

Volume 34 | Number 4

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# CT

# LAWYER

## Civics Academy

Legends  
Behind the  
Awards

Statutory  
Liability  
of CT Spouses

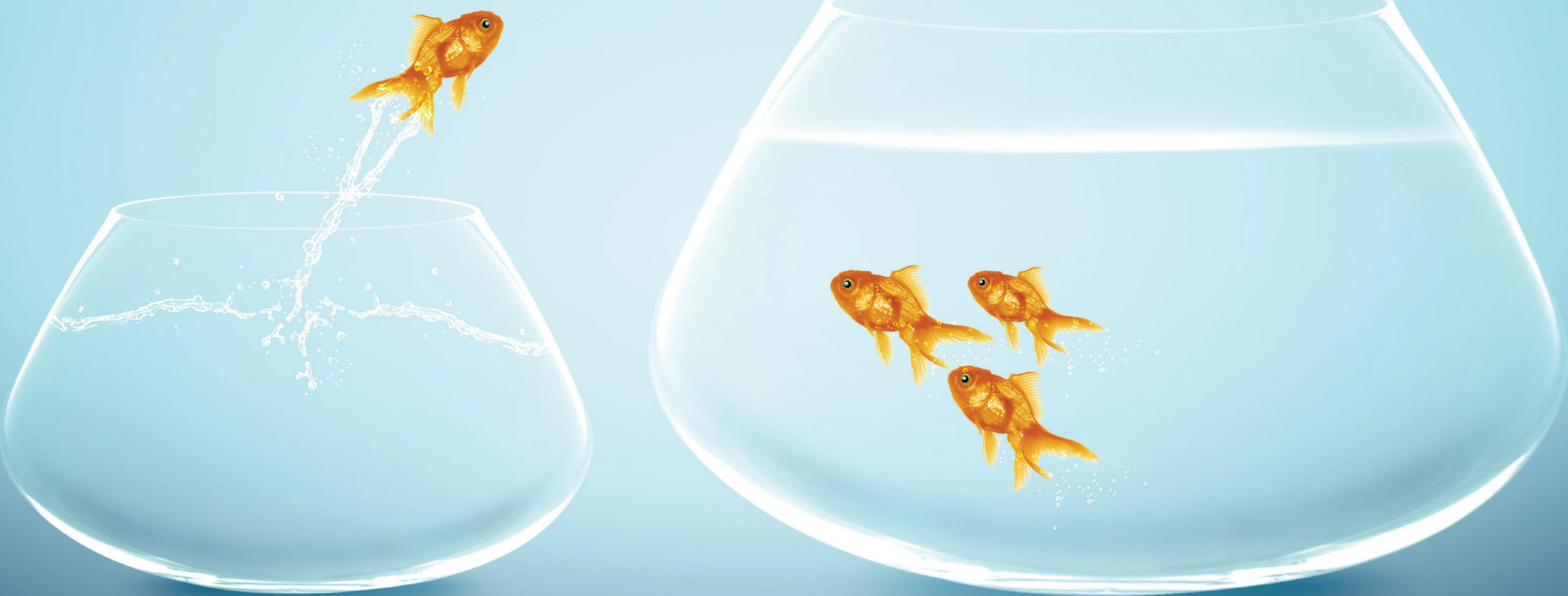


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(More Info, p. 20)



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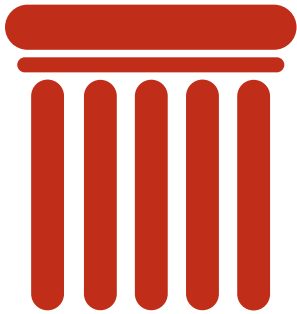
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**Dr. Cain Elliott** is the head legal futurist and a senior vice president at Filevine, the leading legal work platform for law firms and businesses across the United States and Canada. He previously served as the CIO at Margolis Edelstein and taught philosophy at a variety of institutions, including the University of Pennsylvania, the Polish Academy of Sciences, and the University of Warsaw. With a doctorate in philosophy focused on building, creating, and finding new ways to learn, he advances a big-picture view on the future of legal work.

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# NextGen Bar Exam Coming July 2026!

By MAGGIE CASTINADO

**T**he NextGen Bar Exam Program has been in development by the National Conference of Bar Examiners (NCBE) following an empirical three-year study testing industry professional standard, creation of a Taskforce for Testing, which presented its final report in April of 2021, with collaboration and input informed by various stakeholders, such as working with the American Bar Association's (ABA) Section of Legal Education and Admissions to the Bar, since 2019. With a significant shift in bar examination procedures, the Connecticut Bar Examining Committee, as well as other jurisdictions, recently voted to adopt the new exam, set to debut with the July 2026 exam administration. The NextGen exam represents a pivotal change in how we assess the readiness of future lawyers by aligning more closely with the demands and complexities of our current legal practice and is a response to the evolving nature of the legal practice. It is designed to test a broad range of foundational lawyering skills and legal concepts, including civil procedure, contract law, evidence, torts, business associations, constitutional law criminal law, real property, and beginning July 2028, family law. However, the arguments against the NextGen bar exam, and for the most part, the bar exam in general, cover a range of concerns regarding legal education, exam relevance, and the impact on diverse populations.

One significant argument against the NextGen bar exam is the shift towards a more integrated approach that combines

*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.*



knowledge and skills in a manner aiming to better reflect “real-world” legal practice. Critics understand the intention is to make the exam more relevant to the practices of law, however, believe that it may not adequately capture the complexities and nuances of actual legal work. And although the NextGen Bar Exam intends to reduce reliance on memorization and focus more on practical skills, concerns exist about whether it can truly measure a candidate’s competency in legal practice.

According to the National Council of Bar Examiners (NCBE), these areas have been identified as essential for competent entry-level legal practice, reflecting the changing legal landscape. In addition to the foundational concepts, the NextGen Bar Exam will also assess key lawyering skills such as legal research, legal writing, issue spotting and analysis, investigation, client counseling and ne-

gotiation, and dispute resolution. These skills are vital for the effective practice of law, highlighting the exam’s focus on practical, applied legal knowledge rather than just memorization. The Law School Admissions Council (LSAC) conducts research to help strengthen our profession, guide students, and counsel schools with two things in mind: 1) We must continue to expand access to the legal profession and 2) Legal education needs to evolve with the time. Together with the Institute for the Advancement of the American Legal System (IAALS), LSAC is launching a nationwide research project to update Foundations for Practice, which is the collective of the legal skills, professional competencies and proficiencies that make lawyers successful. This research is designed to help schools improve legal education, help employers assess hiring decisions and help bar associations deliver and create relevant programming to their members.<sup>1</sup>





The NextGen exam represents a pivotal change in how we assess the readiness of future lawyers by aligning more closely with the demands and complexities of our current legal practice and is a response to the evolving nature of the legal practice.

Moreover, there remains concern about the impact of the bar exam on diversity within the legal profession. Perhaps this is no longer relevant or a concern for many; however, critics argue that the bar exam may serve as an unnecessary barrier to entry for marginalized and diverse populations. Others wonder whether a bar examination is necessary at all....

The format of the exam is also a departure from traditional methods, featuring a mix of multiple-choice questions, integrated question sets, and longer performance tasks, which is designed to evaluate candidates' ability to apply their knowledge in practical scenarios. The exam spans one- and one-half days with sessions designed to test both depth and breadth of candidates' legal skills.

Connecticut is among the first jurisdictions to adopt the NextGen bar exam. Although the exam utilizes a focused

set of fundamental legal concepts and principles needed in today's practice of law, many feel the exam eliminates very important and necessary subjects such as trust and estates, probate, and family law. Connecticut is committed to maintaining a high standard of legal proficiency and adapting to the changing landscape of the legal practice, but does this new exam accomplish this?

As we approach the implementation of the NextGen bar exam, I would encourage prospective exam takers, legal educators, employers, and the wider legal community to review the following resources: NextGen Bar Exam Fact Sheet,<sup>2</sup> The Fall 23 Background Info Report,<sup>3</sup> and Final Report of the Testing Taskforce April 2021.<sup>4</sup>

**Additionally, the CBA will be hosting a CLE on the NextGen Bar Exam on May 16, via Zoom, from 12:00 p.m. - 1:30 p.m.,** which will give an update on where

things stand. Panelists will include Hon. Anne Dranginis (ret.), Chair of the Connecticut Bar Examining Committee; Professor Mary Beattie, Director of Academic Support, University of Connecticut Law; Hon. Deborah Tedford (ret.), State Chair for Connecticut of the American College of Trust and Estate Counsel; and a hiring partner/DEI Committee major law firm, among others. Hope to see you there! ■

#### NOTES

- 1 [www.lsac.org](http://www.lsac.org)
- 2 [www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/0823-nextgen-bar-exam-jx-fact-sheet.pdf?Status=Temp&sfvrsn=8b2587b9\\_2](http://www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/0823-nextgen-bar-exam-jx-fact-sheet.pdf?Status=Temp&sfvrsn=8b2587b9_2)
- 3 [www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/nextgen-background-info-report-fall23.pdf?Status=Temp&sfvrsn=65cb292f\\_4](http://www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/nextgen-background-info-report-fall23.pdf?Status=Temp&sfvrsn=65cb292f_4)
- 4 [www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/ttf-final-report-april-2021.pdf?Status=Temp&sfvrsn=27d9a34\\_2](http://www.ctbar.org/docs/default-source/publications/connecticut-lawyer/ctl-vol-35/4-marchapril-23/ttf-final-report-april-2021.pdf?Status=Temp&sfvrsn=27d9a34_2)

# News & Events

## The Ralph J. Monaco Memorial Civics Education Award and Fund

In memory of the late **Ralph J. Monaco**, the CBA's 87th president and champion of civics education, the CT Bar Institute (CTBI) established the Ralph J. Monaco Memorial Civics Education Award, which is presented annually during the CBA's Law Day celebration. The award is accompanied by a monetary grant drawn from the Ralph J. Monaco Civics Education Fund.

**Award Criteria:** The Monaco Civics Award is awarded to either one or more current Connecticut high school students, in their junior or senior year of study, who have demonstrated a significant commitment to advancing civic engagement, civics education and/or the rule of law. Participation in extracurricular activities promoting civic engagement, civics education, and the rule of law, such as mock trial, student government, speech and debate, Model U.N., or other forensic activities and student activism shall be considered favorably.

**Monetary Award:** Each Monaco Civics Award will be accompanied by a \$1,000 monetary grant provided to each selected recipient, thanks to the generous donations to the Ralph J. Monaco Civics Education Fund.

**Award Committee:** The Ralph J. Monaco Memorial Awards Committee ("Monaco Awards Committee") is responsible for promoting the Monaco Civics Award; selecting the recipients of the Monaco Civics Award each year; determining, within available funds, the number and amount of Monaco Civics Awards to grant in a year; and fundraising for the Ralph J. Monaco Memorial Civics Education Fund.

The Monaco Awards Committee suggests that nominations be submitted by a teacher, coach, club advisor, or similarly-situated individual with personal knowledge of the nominee's activities and commitment to civics education and the rule of law. In the event of a self-nomination, a letter of reference from



such an individual, while not required, would be helpful in the Monaco Awards Committee's consideration of the nominee.

Nominations must be submitted by April 1, 2024 to be considered for the 2024 Award. Selected recipients must be available to attend the May 2, 2024 Law Day celebration in Hartford.

To submit an award nomination or donate in support of the Monaco Fund, visit [ctbar.org/MonacoFund](http://ctbar.org/MonacoFund).

## MARCH

- 20 Ethics: How to Avoid Disciplinary Problems ♦
- 25 Cases Every Family Lawyer Should Know by Heart
- 26 Generative AI Generates Debate: AI and Copyright Infringement
- 27 Annual Advanced Employment Law Symposium ♦

## APRIL

- 2 Antitrust & Trade
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- 9 Business Law
- 10 Professionalism Boot Camp ♦
- 11 Third-Party Releasees: Pros, Cons, and Supreme Court Predictions
- 12 Practice, Procedure, and Protocol in the Connecticut Courts ♦

- 17 Improving Your Courtroom Persuasion, No Matter How Much Trial Experience You Have
- 18 Tax Minimization Strategies for Solo/Small Firm Owners
- 24 Supported Decision Making

## MAY

- 2 Attacking and Defending Real Estate Appraisals
- 6 The Employment Debate: Legal Challenges in Recognizing College Athletes as Employees
- 7 Federal Practice
- 15 Blockchain and Cryptocurrency Basics for Lawyers

♦ Ethics credit available

**CLE PASS ELIGIBLE:** For more information about the CLE Pass, visit [ctbar.org/CLEPass](https://ctbar.org/CLEPass).

## Seeking Leaders to Serve on the House of Delegates from 2024-27

The CBA is seeking leaders to represent their colleagues in the House of Delegates for a three-year term. Please consider volunteering your time to strengthen the CBA, bring new ideas, and encourage growth to the association as we move forward in the coming years. The districts that have at least one expiring seat beginning July 1, 2024 are 3, 5, 7, 8, 9, 10, and 12.

If you currently are seated on the House of Delegates and your term is about to expire, you still need to follow the procedure for nomination once again.

We have made it easier to

secure a seat in our election for the House of Delegates with our online nomination process. Please visit [ctbar.org/HODNomination](https://ctbar.org/HODNomination) to find the instructions for nominating colleagues in your District and/or yourself. Completed petitions are due Monday, April 15, 2024 by 5:00 p.m.

Your membership is greatly appreciated and your participation in the governing of the Connecticut Bar Association will only strengthen our organization.

If you have any questions, contact Carol DeJohn at [cdejohn@ctbar.org](mailto:cdejohn@ctbar.org).



**— SPECIAL ANNOUNCEMENT —**

### CBA Moving Update

**THE CBA IS MOVING TO MERIDEN THIS SUMMER!**

The CBA will be relocating to its new office located at Meriden Executive Park, 538 Preston Avenue, Meriden, CT, 06450 this summer. With our newly updated facility, the CBA will continue to serve our members with enhanced benefits and provide space for member meetings and CLE programming from a centrally located and easy-to-access site.

Until our relocation is finalized, please continue to address any mail to Connecticut Bar Association, 30 Bank Street, New Britain, CT 06051. We will keep you informed of further updates as they are available.

## PEERS AND CHEERS

**Brown Paindiris & Scott LLP** has announced new additions and promotions within the firm. **Cody Guarnieri** has been elevated to a capital partner at the firm; his practice area is diverse and includes criminal defense, personal injury and medical negligence, business litigation, and defending professional, and occupational licensing for individuals and businesses. **George Baker**, previously of counsel, has been named a partner; his practice areas include elder law and estate planning as well as probate and trust administration. **Bernard F. Gaffney** has joined the firm as a partner in its Hartford office where he will continue handling litigation from the investigation and claim stage through trial and appeal in the employment and injury law fields. Additionally, Brown Paindiris & Scott LLP has hired the following three new associates: **Bailey M. Frankel**, **Erik W. Scalzi**, and **Caitlin E. Zarella**. Attorney Frankel's practice areas include civil litigation, transactional, and business law; she recently finished a clerkship for Judge Bethany J. Alvord of the CT Appellate Court. Attorney Scalzi will perform primarily transactional work on commercial transactions after previously serving as a law clerk at the firm. Attorney Zarella will work in elder law and estate planning as well as assisting the firm's family law department after working for more than a decade for the State of Connecticut Judicial Branch as a supervisor of the family division of the Superior Court.

**Cummings & Lockwood** is pleased to announce that **Elizabeth A. Falkoff** has been elected to principal. Attorney Falkoff represents individuals and families in the creation and implementation of sophisticated estate plans facilitating the passage of wealth through generations. Her estate planning practice includes gift planning and the use of trusts as tools for asset management, creditor protection, charitable giving, and minimization of taxes.

**Kahan Kerensky Capossela LLP** in Vernon has added two law clerks to its staff. **Daniel Steiner** is finishing up his law education at Western New England University School of Law and will receive a Transactional Law Certificate; he will be working in the firm's Business and Litigation Departments. **Jennifer Vincenzo** is in her final year at Quinnipiac Law School and will be working in the firm's Estate Planning and Family Law Departments. She is a recipient of the Excellence in Oral Advocacy award and the Judge Edgar W. Bassick III Scholarship for students interested in Family Law.

**Littler**, the world's largest employment and labor law practice representing management, has appointed **Paula Anthony** as office managing shareholder of the firm's New Haven office. She focuses her practice on employment litigation matters in state and federal courts, as well as administrative charges before the Connecticut Commission on Human Rights and Opportunities, Equal Employment Opportunity Commission, and Connecticut Department of Labor.

Louden Katz & McGrath LLC has added **Edward Bryan** as a partner and changed the firm name to **Louden Katz McGrath & Bryan LLC**. Attorney Bryan practices in matrimonial law and has served as an adjunct professor at the University of Connecticut teaching Legal Aspects of Family Life, and Child Welfare, Law, and Social Policy.

**Pullman & Comley LLC** is pleased to welcome **Retired Judge John D. Moore** to the firm as a member of its Alternative Dispute Resolution (ADR) practice. He focuses on the mediation and arbitration of civil matters, particularly in the areas of personal injury, property damage, professional liability, attorney fee disputes, environmental issues, toxic tort, and insurance coverage. He also handles family disputes, including both pre- and post-dissolution matters involving property distribution and child custody.

**Rome Clifford Katz & Koerner LLP** has added **Tony Stevens** to the firm. Attorney Stevens focuses his practice on the areas of personal injury, wrongful death, and vaccine injury.

**Saxe Doernberger & Vita PC** has announced the elevation of **Janie Reilly Eddy** to partner. She has exclusively represented policyholder clients throughout her career with the firm and represents policyholders of all sizes, ranging from individuals to non-profits to international companies. Attorney Eddy primarily handles construction cases, risk transfer issues for upstream clients, and policyholders in mass tort aviation litigation.

**Shipman & Goodwin LLP** has promoted **Keegan Drenosky**, **Lee Anne Duval**, **Laura Schuyler**, **Julia Wilde**, and **Tracy Ellis Williams** to partner and Attorney Drenosky's practice focuses on employment counseling and litigation for private businesses such as Fortune 500 companies, small businesses, manufacturers, restaurants, and healthcare providers, as well as public agencies, municipalities, and independent schools. Attorney Duval serves as Shipman's Associate General Counsel and focuses her practice on legal ethics, corporate governance, professional responsibility, and risk management. Attorney Schuyler is a member of Shipman's Trusts and Estates practice; she counsels individuals on the full range of estate planning techniques for tax-effective intergenerational and charitable transfers and assists clients with the estate settlement process. Attorney Wilde is a member of the firm's School Law Practice Group and advises educational institutions on a variety of general education, special education, and labor and employment issues. Attorney Williams represents national and regional companies in commercial litigation and arbitration matters. **Michael King** has been promoted to Counsel. Attorney King practices primarily in complex commercial and business litigation, where he represents clients in disputes involving general franchise and petroleum marketing issues, contracts, business torts, fiduciary duties, and unfair trade practice claims. ■

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# Statutory Liability

## of a Non-Contracting Connecticut Spouse for Purchases Made by the Other Spouse

By Elizabeth C. Yen

**C**onn. Gen. Stat. Section 46b-37(a) states the general rule that a purchase made by a married individual in his or her own name is presumed to be made solely by the individual purchaser, and not by both spouses. However, Section 46b-37(b) includes several specific narrow exceptions to this rule, by creating joint spousal liability for (inter alia) “reasonable and necessary services of a physician or dentist” to either spouse;<sup>1</sup> hospital expenses rendered to either spouse;<sup>2</sup> and certain purchases by either spouse that have been used for the “joint benefit” of both spouses.<sup>3</sup> The exceptions listed in Section 46b-37(b) may be loosely characterized as falling into the general category of “necessaries,” and also reflect longstanding public policy that spouses support each other and their family.<sup>4</sup>

Image credit: materalpasos/Getty Images



## Statutory Liability

Based on Section 46b-37(b)(3), which covers rent owed on a dwelling unit actually occupied by both spouses as a residence, provided “reasonably necessary to them for that purpose,” the Appellate Court allowed a landlord to collect past due rent from a spouse who had not signed the lease agreement, because the spouses admitted in their answer to the landlord’s complaint “that, at all relevant times, they were married and were occupying the premises as their primary residence.”<sup>5</sup>

The application of Section 46b-37(b) to specific purchases is of necessity fact-specific, and the statute’s imposition of liability on non-contracting spouses for certain purchases made by their spouses is generally construed narrowly by Connecticut courts. For example, because of the specific reference in Section 46b-37(b)(3) to the “rental” of a dwelling unit occupied by both spouses, the statute has been held inapplicable to residential mortgage loan payments.<sup>6</sup> As another example, prescription medication and other miscellaneous items (such as cigarettes) charged to one spouse’s account at a pharmacy and consumed solely by that spouse have been held to fall outside the scope of Section 46b-37(b)(4), even if the other spouse was allowed to sign for and pick up the purchases.<sup>7</sup> Such purchased items, if consumed solely by one spouse, are not necessarily considered “for the joint benefit of both,” even if the non-consuming spouse might derive indirect benefit from (for example) the other spouse’s consumption of prescription medication.<sup>8</sup> Similarly, because Section 46b-37(b)(2) refers to “hospital expenses,” the statute has been held inapplicable to the non-physician nursing home expenses of an institutionalized spouse.<sup>9</sup>

**SECTION 46B-37 HAS ITS ORIGINS** in Connecticut common law and in a statute previously codified as Section 5155 (applicable to purchases made by spouses in their own individual names if married on or after April 20, 1877). In *Cyclone Fence v. McAviney*, 121 Conn. 656, 662 (1936), the Court held that a husband’s express refusal to involve his wife in negotiations concerning the purchase and installation of a fence on largely unimproved real property approximately three blocks away from the couple’s residence, and his refusal to have his wife co-sign the purchase contract for the fence, made it clear that the husband’s agreement to pay for the fence was personal to him, and that he was not acting as his wife’s agent. In addition, the Court held that the fence did not provide a joint benefit to the married couple, even though the property in question had been quitclaimed by the husband to his wife for the consideration of love and affection before the fence was purchased and installed. The property was not being used by the couple, and “[t]he only tangible benefit to the wife which could result would be contingent upon some possible use of the land in the future from which she would derive an advantage or the equally indefinite possibility of her selling it.” The Court concluded the fence was intended as a gift from the husband to his wife.

*Mayflower Sales v. Tiffany*, 124 Conn. 249 (1938) concerned the purchase by a husband of an oil burner on an installment payment basis from a seller, for installation and use in a leased residence occupied by the husband, his wife, and his mother-in-law as tenants. For reasons not explained in the Court’s decision, the husband never made any installment payments to the seller, and his wife moved to New York approximately three months after the burner was purchased and installed (her husband and her mother continued to occupy the leased residence). Less than one month after the wife’s move to New York, the husband asked the seller to repossess the burner and apply the then-fair market value of the burner against unpaid amounts due the seller. The husband died shortly thereafter, and the seller sought payment from the surviving wife. The Court held that the wife was not liable to the seller for the remaining unpaid amounts—the seller was seeking to enforce a deficiency liability post-repossession, after having repossessed the burner and thereby having made it impossible for the burner to be used for the joint benefit of both spouses (if the wife had chosen to move back to the leased residence before her husband’s death) or the surviving wife’s mother.

*Craft v. Rolland*, 37 Conn. 491 (1871) includes a brief historical discussion of the common law that eventually led to Section 46b-37. Under Connecticut common law applicable to marriages before April 20, 1877,<sup>10</sup> a married woman generally could not enter into a binding contract—her husband generally had to do so (and also had the legal obligation to support her). However, “a wife may bind her husband for necessaries against his consent” in order to “save her from suffering, and starvation in certain cases.”<sup>11</sup> Outside of this exception for “necessaries,” if “goods are purchased by the wife, the liability of the husband depends upon agency, either express, or implied from his acts.” *Craft* also noted one additional exception to the general rule that a married woman could not enter into a binding contract: She could do so if her intent was to have “her separate property liable in equity for the payment.”<sup>12</sup> However, in such a case, although the wife may have had “a moral and equitable obligation to pay” from her separate nonmarital property, the obligation would not be enforceable against her at law unless she reaffirmed the payment obligation after the marriage ended or (as occurred in *Craft*) after she was abandoned by her husband.<sup>13</sup>

**UNDER CURRENT CONNECTICUT LAW**, if an exception in Section 46b-37(b) is properly asserted against a non-contracting spouse, Section 46b-37(e) permits the non-contracting spouse to avoid liability by proving the purchase occurred after the contracting spouse had abandoned the non-contracting spouse without cause.<sup>14</sup> Conversely, if during a period of spousal separation, “the spouse who is liable for support of the other spouse has provided the other spouse with reasonable support,” Section 46b-37(d) precludes a spouse who has received such reasonable support



during the period of separation (the “recipient spouse”) from using Section 46b-37(b) to shift responsibility for a purchase made by the recipient spouse to the non-contracting spouse who provided reasonable support (the “provider spouse”). (Without this exception, the provider spouse could be effectively liable twice for the recipient spouse’s living expenses during their period of separation.<sup>15</sup>) If a defense is not available to a non-contracting spouse under Section 46b-37(d) or (e), the general rules in Section 46b-37(a) and (b) should apply. ■

*This article has been printed posthumously. Elizabeth C. Yen was a partner in the Connecticut office of Hudson Cook LLP. Attorney Yen served as a fellow and regent of the American College of Consumer Financial Services Lawyers, a past chair of the Truth in Lending Subcommittee of the Consumer Financial Services Committee of the American Bar Association’s Business Law Section, a past chair of the CBA Consumer Law Section, and a past treasurer of the CBA. The views expressed herein are personal and not necessarily those of any employer, client, constituent, or affiliate of the author.*

## NOTES

- 1 See, e.g., *Ematrudo v. Gordon*, 100 Conn. 163 (1923) (upholding a trial court’s decision that a wife was not responsible for the costs of her husband’s plastic surgery to address “a scar extending from the angle of the mouth across the face to the left ear, which marred and impaired his personal appearance” even though the scar was “extremely unsightly, and tend[ing] to be repellent to persons with whom Gordon might seek to do business, whether as a salesman or in some other capacity;” the Court noted that whether such a medical expense is reasonable and necessary may depend on “the station in life, style of living, and pecuniary situation of this family” and “the extent to which both husband and wife contributed to the family support, the existence of any invested property, and in general the pecuniary situation of the parties and their social surroundings and general course of life;” however, there was no evidence the trial court found facts in this case sufficient to support making the wife liable for the cost of her husband’s plastic surgery).
- 2 Conn. Gen. Stat. Section 46b-37(b) also addresses spouses’ joint duty to support their minor unemancipated children (intentionally not discussed in this article).
- 3 See, e.g., *Wilton Meadows v. Coratolo*, 299 Conn. 819 (2011) (declining to apply Section 46b-37(b) to non-physician expenses incurred by a spouse at a licensed chronic care and convalescent facility, and holding that such expenses are not purchases used for the “joint benefit” of both spouses for purposes of Section 46b-37(b)(4)) and *Dubow v. Gottinello*, 111 Conn. 306 (1930) (articles purchased for one spouse’s business or professional reasons are not for the immediate joint benefit of both spouses).
- 4 Under Conn. Gen. Stat. Section 46b-37(c), “a spouse who abandons his or her spouse without cause shall be liable for the reasonable support of such other spouse while abandoned.”
- 5 *Lawrence v. Gude*, 216 Conn. App. 624, 631 (2022) (footnote omitted). Cf. *Young v. Kerslake*, 2021 WL 3913920 (Super. Ct. 2021) (discussing a permitted occupant’s potential liability to a landlord for use and occupancy payments under Conn. Gen. Stat. Section 47a-26b for continuing occupancy of rented premises after the occupant’s spouse moved out, where the permitted occupant did not sign the lease agreement but was expressly authorized to occupy the premises provided that the landlord received rent payments required by the lease agreement).
- 6 *Caruso v. Caruso*, 62 Conn. L. Rptr. 531 (Super. Ct. 2016) (father-in-law unsuccessfully sought reimbursement from his daughter-in-law for mortgage payments he made directly to a mortgage lender on behalf of his son and daughter-in-law, based on an alleged oral agreement among all 3 individuals; the daughter-in-law denied the existence of any such agreement).
- 7 *Bunker Hill Pharmacy v. Pepice*, 63 Conn. L. Rptr. 240 (Super. Ct. 2016). See also *Wilton Meadows v. Coratolo*, n.3 *supra*.
- 8 See also *Connecticut Light and Power v. Matava*, 2012 WL 386590 (electric utility service is not an “article” purchased by a spouse for purposes of Section 46b-37(b)(4)).
- 9 See, e.g., *Jewish Home for the Aged v. Nuterangelo*, 2004 WL 3130225 (Super. Ct. 2004) (narrowly construing Section 46b-37(b)(2)’s reference to “hospital expenses”; the portion of this Superior Court decision discussing Section 46b-37(b)(4) has been effectively overruled by *Wilton Meadows v. Coratolo*, n.3 *supra*); see also *Medstar v. DiCarlo*, 17 Conn. L. Rptr. 638 (Super. Ct. 1996) (wife not liable under Section 46b-37(b) for ambulance services rendered to her husband).
- 10 See also *Mathewson v. Mathewson*, 79 Conn. 23 (1906) (discussing the Connecticut common law distinction between enforcing certain contracts entered into by married women in courts of chancery or equity, where the contracts pertained to separately owned nonmarital property of married women, and nonenforceability of such contracts in courts of law for marriages entered into before April 20, 1877).
- 11 *Craft v. Rolland*, 37 Conn. at 498.
- 12 See *id.*, citing *Wells v. Thorman*, 37 Conn. 318, 319 (1870). (In *Wells*, the wife’s contract was entered into by her husband acting on her behalf as her authorized agent (consistent with the common law in effect at that time); the purchase was for the benefit of her separately owned nonmarital property. The Court ordered payment of the outstanding balance from the wife’s personal property, not her real property (because under common law her husband had a life estate in her separately owned real property and the husband was required to join with the wife in any conveyance of her separately owned real property).)
- 13 Such a contract reaffirmation after the termination of marriage or after abandonment by the wife’s husband is somewhat similar to a minor’s right to ratify or avoid a contract entered into before having reached the age of majority. See also, e.g., *Yale Diagnostic Radiology v. Estate of Fountain*, 267 Conn. 351, 356 (2004) (discussing an exception under “the doctrine of necessities ... that a minor may not avoid a contract for goods or services necessary for his health and sustenance”). However, under Connecticut common law, a husband could not avoid a contract for goods or services necessary for the health and sustenance of his wife entered into by either the husband or wife during their marriage (it being the husband’s legal obligation to provide for her health and sustenance unless she abandoned the marriage without cause).
- 14 See also n.4 *supra* and *Yale University School of Medicine v. Collier*, 206 Conn. 31 (1988) (husband left wife “to take up a relationship with another woman;” over 2 years later the husband died as the result of a serious one-car accident; the jury properly determined that the wife was not responsible for the husband’s medical bills relating to the car accident due to her husband’s abandonment of her).
- 15 See *Churchward v. Churchward*, 132 Conn. 72 (1945) for discussion of the history behind this exception for a spouse who has received reasonable support from the other spouse during a period of separation. See also *John Dempsey Hospital v. Lawson*, 19 Conn. L. Rptr. 536 (Super. Ct. 1997) (during a temporary separation of less than two years caused by a difference of opinion about the wife’s health and medical condition, husband’s failure to pay for wife’s hospitalization expenses was a failure to provide reasonable support, making the Section 46b-37(d) defense inapplicable to the husband) and *Manor Health Care v. Fisher*, 2000 WL 226439 (Super. Ct. 2000) (wife’s separation from husband was for cause, and husband’s failure to pay for wife’s assisted living facility expenses after the separation made Section 46b-37(d) inapplicable).

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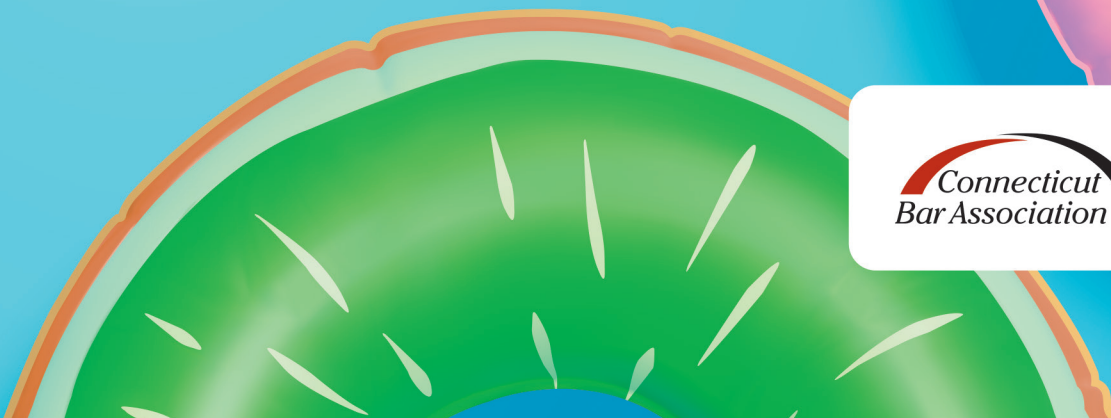
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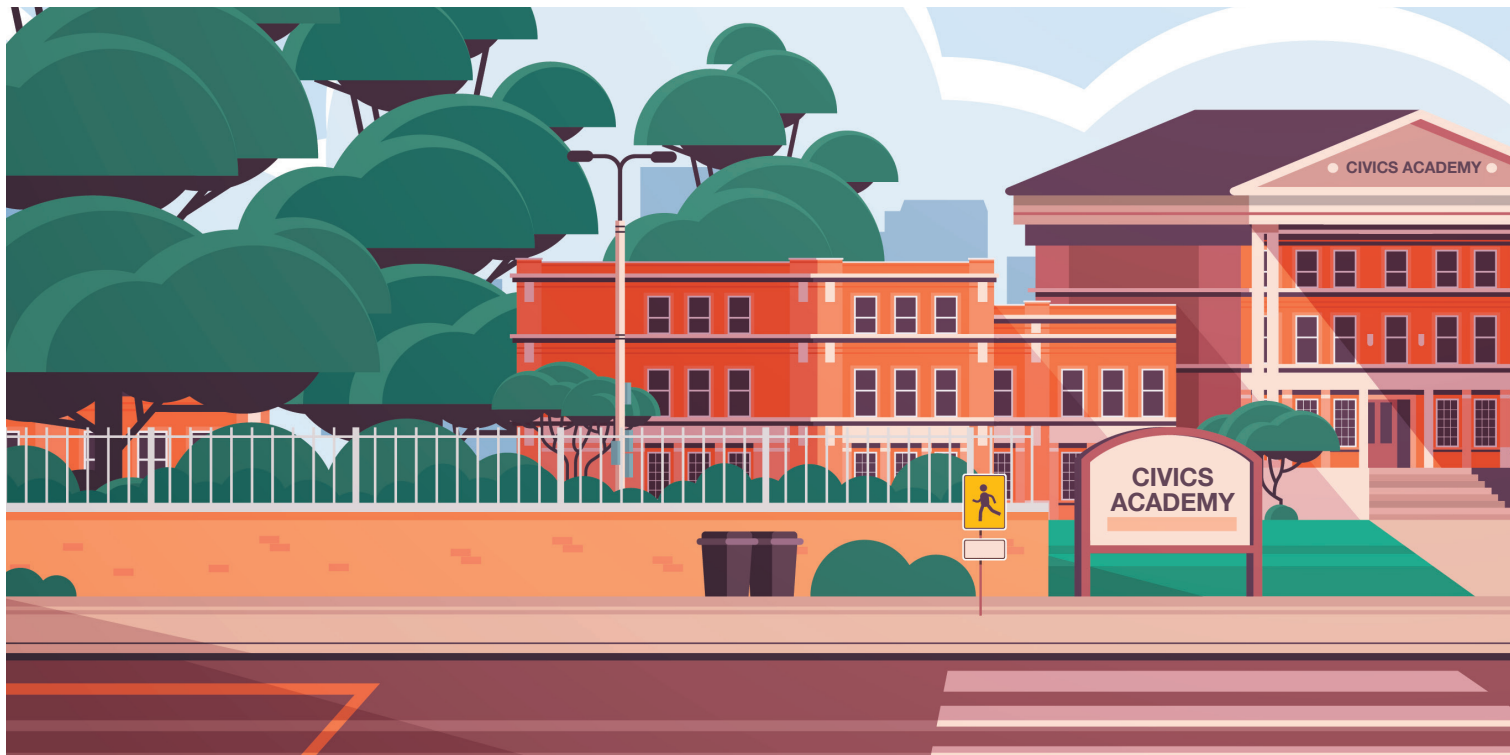
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# The Judicial Branch's Civics Academy

## *An Important Collaboration between the Connecticut Judicial Branch and the Bar*

THE HON. ELIZABETH A. BOZZUTO

At its core, the success of any democracy is dependent upon the informed and effective participation of its citizenry. Civics education is intended to not only teach the importance of our governmental structure, but also the role and the opportunity for each citizen to engage in it. According to a poll released in October 2022 by iCivics and More Perfect, nearly 70 percent of likely voters agreed that civics education is more important now than it was five years ago. We couldn't agree more.

For just over a year, the Connecticut Judicial Branch and the Connecticut Bar Association (CBA) have collaborated to develop and present a civics program for upper-elementary school students. The Judicial Branch is pleased to report that as of today, the program has reached more than 1,000 students across the state, with additional schools regularly coming on board.

Discussions regarding what would become the Civics Academy began in 2022, as the Judicial Branch moved to broaden the

curriculum of educational resources it makes available to educators and students. The Branch engaged with Steve Armstrong, social studies consultant from the State Department of Education, and then-Connecticut Bar Association President Dan Horgan to identify existing resources and potential gaps in civics education. Through ongoing conversations with the Bar, it became clear that the CBA's Young Lawyers Section (YLS) had already discussed this question and had answered it with its *Lawyers in the Classroom* program.

Against the backdrop of a worldwide pandemic, the YLS remotely rolled out its program during the 2021-2022 school year, making available to elementary school students a pair of lawyers who presented the program. The work of the YLS was impressive and was the foundation upon which the bench and bar collaborated to build the Civics Academy.

In addition to the robust and interactive curriculum, what makes the Civics Academy unique is the judge-lawyer team



approach to teaching. Trained by educationalists beforehand, judges and attorneys pair up in teams of two. The current intended age group for this curriculum is grades 4 through 6. The judge-lawyer team delivers a 50-minute age-appropriate lesson plan specifically geared toward helping young students understand their role in a democratic society. The diversity of the judge-lawyer faculty works to connect with and hopefully inspire the children to someday pursue a career in the legal profession as an attorney or a judge.

The first section of the lesson plan is *Rules and Fairness*; the second, *Representative Democracy*; and the third, *Democracy and You*. Age-appropriate exercises and activities within those sections reinforce the curriculum content. Because the lesson plan is self-contained, classroom teachers do not need to prepare their students for a visit by Civics Academy faculty. The student-centered curriculum is fun, interactive, and structured in a way that avoids creating extra work for teachers.

The Civics Academy was officially launched in February 2023, and since then, both the feedback and the numbers are consistently impressive.

### First, the Numbers as of the End of November 2023:

- ▶ The Academy had completed visits to 20 schools in 13 cities and towns: Andover, Bristol, Colebrook, Eastford, Goshen, Hampton, Hartford, Meriden, Norwalk, Southbury, Voluntown, Washington, and Wethersfield. In addition, visits were pending to schools in Bridgeport, Bristol, Groton, Hamden, and Hartford.
- ▶ Eighteen judges had completed visits, with some doing two, and 15 attorneys had completed visits, again with some doing two and one attorney doing three.
- ▶ The Academy had presented to roughly 1,000 students.

### And Next, the Feedback:

- ▶ From a student: “[W]e are part of a democracy. We can help do something to change what is unfair. Even if we are kids, we still have that power. Other kids have done it, so can we. I think this part is important because we can take action when something isn’t right, we can make a difference.”
- ▶ From another student: “The most important thing I learned during the presentation was the value of fairness. I think that is important because if we treat everyone fairly, there will be no fighting, and everyone will be safe.”
- ▶ From an educator: “The fifth-grade teachers and students LOVED having the judges and attorneys.”
- ▶ From an attorney: “It was the best experience! How eager these young minds were to learn and what wonderful curriculum and teachers they have!”
- ▶ From a judge: “Please thank the students and teachers for welcoming us into their classrooms. The students were intelligent, engaged and engaging. The future of our nation is bright in the hands of these children.”

There has never been a more opportune time to undertake such an ambitious initiative. It is also our chance to impress upon the students that they have a vital role in our democracy—just like everyone else. Through the Civics Academy the students learn why this is important to them, their families, their community, their state, and their country.

For more information about the Civics Academy, please email Alison Chandler, Program Manager for Education and Outreach, at [alison.chandler@jud.ct.gov](mailto:alison.chandler@jud.ct.gov). We look forward to hearing from you. ■

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



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# MEET THIS YEAR'S STARS



## **Henry J. Naruk Judiciary Award**

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



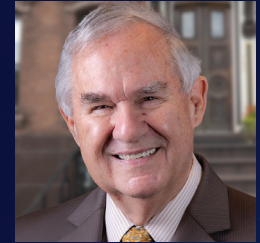
## **John Eldred Shields Distinguished Professional Service Award**

**Monte E. Frank,**  
Pullman & Comley LLC, Bridgeport



## **Citizen of the Law Award**

**Thomas J. Sansone,**  
Carmody Torrance Sandak & Hennessey LLP, New Haven



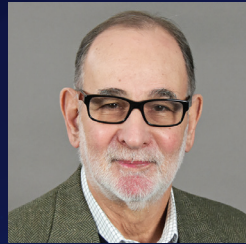
## **Edward F. Hennessey Professionalism Award**

**Joseph D. Garrison,**  
Garrison Levin-Epstein Fitzgerald & Pirrotti PC, New Haven



## **Charles J. Parker Legal Services Award**

**Lucy Potter,**  
Greater Hartford Legal Aid Inc., Hartford



## **Tapping Reeve Legal Educator Award**

**James H. Stark,**  
UConn School of Law, 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,**  
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**Rebecca A. Iannantuoni,**  
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**Nicole M. Riel,**  
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*This year marks our 11th anniversary of Celebrate with the Stars, the Connecticut Bar Association's annual awards dinner that honors the distinguished achievements of legal professionals or members of the public who have positively impacted the legal profession. This night also celebrates the exceptional achievement of attorneys observing the 50th anniversary of their admission to practice in Connecticut. If you have ever wondered about the accomplishments of the notable legal professionals for which these awards are named, here is a look into the CBA archives for more.*

# The Legends behind the Awards





## The Honorable Anthony V. DeMayo Pro Bono Award

**The Honorable Anthony V. DeMayo (1924-2012)**

The Honorable Anthony V. DeMayo of East Haven served in the US Army in India during WWII and later went on to earn an undergraduate degree from Yale University and a J.D. from the University of Connecticut School of Law. He practiced privately until 1977 and acted as public defender in New Haven County from 1966 to 1981, until he was appointed to the Superior Court.

He was active in the legal community, his membership including New Haven Junior Bar Association, University of Connecticut Law School Alumni Association and Law School Foundation, and lecturer in Law at the University of New Haven. He also served as the president of the Connecticut Women's Education and Legal Fund and helped pave the way for women to become fully fledged members of the Connecticut legal team.

Judge DeMayo served as president of the Connecticut Bar Association during the 1969-1970 bar year. He was a member of the Board of Governors, Pro Bono Committee, and Awards Committees as well as a CBA Sustaining Member. His commitment to pro bono was honored at the 2012 Annual Meeting when it was announced that the CBA Pro Bono Award was officially renamed The Honorable Anthony V. DeMayo Pro Bono Award. This honor was bestowed for his commitment to delivering legal services to the needy and a lifetime of distinguished service to the bar.

Judge DeMayo was also active in his own community, his involvement including the Foxon Recreation League, Past President of Family Services of New Haven, member of New Haven Philatelic Society, former New Haven Chairman and State Vice-President of the Kidney Foundation, past board member of the New Haven Community Council and Regional Mental Health Planning Council,

president of the East Haven Historical Society, East Haven Lions Club, the founder of East Haven Kid's Stamp Club, former parish trustee and council member of the Church of St. Vincent De Paul, and former member of the East Haven Planning and Zoning Commission.

The Anthony V. DeMayo Pro Bono Awards were established in 2014.



## Edward F. Hennessey Professionalism Award

**Edward F. Hennessey (1934-2003)**

Edward F. Hennessey was a trial attorney for more than 30 years. He graduated Dartmouth College and Boston College Law School. He served as the first law clerk to U.S. District Judge M. Joseph Blumenfeld and was a senior partner at Robinson+Cole. His practice took him to courts across the nation, including the Supreme Court of the United States.

Attorney Hennessey was a Fellow of the American College of Trial Lawyers and a board certified in Civil Trial Advocacy by the National Board of Trial Advocacy. He was a sustaining member of the Association of Trial Lawyers of America and a member of the Connecticut Trial Lawyers Association. He has also served as chairman of the Connecticut Public Defenders Services Commissions. He was a former member of the Town Council of the Town of Wethersfield and also served as Mayor.

Attorney Hennessey is remembered for his professionalism, respect, and civility in and out of the courtroom. He was a champion of gender equality in the legal profession and mentored numerous female attorneys.



## Henry J. Naruk Judiciary Award

**Henry J. Naruk (1928-1991)**

Attorney Henry J. Naruk served as the CBA's 60th president from 1983 to 1984.

Under his leadership, the CBA opened up new offices at 101 Corporate Place in Rocky Hill (moving from Lewis Street in Hartford). Under President Naruk, the CBA conducted a search to replace Daniel Hovey, the executive director who left the CBA to become executive director at the Massachusetts Bar Association. Paul Carlin, the executive director of the Baltimore City Bar Association, was chosen to lead the CBA. In addition, under President Naruk's leadership, about 5,322 attorneys took part in CLE seminars in 1983. That year, the CBA Board of Governors also approved a section on Women and the Law.

President Naruk served as a superior court judge from 1969 to 1980 and was the first president of the Connecticut Judges Association. Prior to his appointment to the Bench, Attorney Naruk practiced law in Torrington and Hartford. He was also a prosecutor for Torrington City Court and a corporation counsel for the Town of Torrington. After his retirement from the Bench, he became a vice president and associate general counsel of the Travelers Insurance Company, Claim Department. Naruk was a graduate of Wesleyan University and Harvard Law School and admitted to the Connecticut Bar in 1953. He was the co-author of *Supplement Connecticut Civil Procedures*, 2nd edition.

The Henry J. Naruk Judiciary Award was established in 1994.



## Charles J. Parker Legal Services Award

**Charles J. Parker (1921-1980)**

Charles J. Parker was a CBA vice president and president-elect nominee when he died (listed in 1979-1980 officers) on March 9, 1980. His obituary read that "The city of New Haven has lost one of its most dedicated public servants."

A partner with Tyler Cooper Grant Bowerman & Keefe (New Haven), Attorney Parker was a graduate of Middlebury and Yale Law School. He was admitted

Charles J. Parker

(continued from previous page)

to practice in New York in 1950 and in Connecticut in 1951. His volunteer work for the CBA and other legal associations included being chair of the Junior Bar Section (1954-1955), chair of the Probate Section (1964-1965), chair of the Estate Administration Committee (1970-1973), chair of the CBA Legal Aid Committee (1966-1969), chair of the ABA Public Interest Practice (1977-1979), and chair of the Legal Aid Committee (New Haven) (1955-1964). He served on the executive committee of the Yale Law School Alumni (1963-1964) and was director of National Legal Aid and Defender Association (1971-1980). Attorney Parker was the first recipient of the CBA's "Legal Service Award" (on October 10, 1977), which noted in the citation that, in addition to the accomplishments listed above, he served as chair of the New Haven Municipal Legal Aid Commission, president of the New Haven Legal Assistance Association, member of the Project Committee of the Connecticut Welfare Department, and a member of the ABA Special Committee on Public Interest Practice.

At a Memorial Service, then mayor of New Haven, Richard C. Lee, characterized Attorney Parker: "He was, in truth, a man for his time, and whether it was politics or the law, the improvement of our park system, or the rights of those who needed financial or legal assistance, he gave freely and completely of himself. Charlie was a blessed man, who led a blessed life, and he helped so many, many people."

Attorney William R. Murphy, a partner at Attorney Parker's law firm, eulogized him: "Charlie was a person of great compassion. Whether dealing with a poor child in need of public assistance or an elderly widow entering a nursing home, Charlie conveyed to each person whose life he touched the message that he cared—because he did care."

New Haven Mayor Biagio DiLieto stated, "He was a warm, considerate man, sensitive and attendant to the needs

and aspirations of his fellow citizens and creative in meeting those needs."

New Haven County Bar Association President Robert G. Oliver was quoted as saying, "Charles Parker was a moving force in bringing legal aid to our community...a gentleman in every sense of the word. He will be sorely missed."

Upon receiving the Charles J. Parker Legal Services Award in 1982, James W. Cooper (Tyler Cooper Grant Bowerman & Keefe) honored Attorney Parker by saying, "Charlie was a wonder...displaying courage, dignity, imagination, perseverance, and tenacity. He epitomized everything I admire."

The Charles J. Parker Legal Services Award was established in 1980.



### Tapping Reeve Legal Educator Award

#### Tapping Reeve (1744-1823)

Tapping Reeve was an American lawyer, educator, and jurist. He is recognized as founding an important and influential-law school in Litchfield. The Litchfield Law School was the second formal school offering training for the legal profession in the United States (after the William & Mary School of Law, which offered lectures on the law), but Reeve's law school was unique in that it offered a comprehensive legal curriculum. Therefore, the Litchfield Law School is considered the first formal school of law in the United States offering a vocational curriculum for future attorneys.

Judge Tapping Reeve was born in Brookhaven, Long Island, in October, 1744. He was the son of the Reverend Abner Reeve, a minister on Long Island and afterwards in Vermont. His father lived to the age of 104 and preached his last sermon when he was 102. Tapping Reeve graduated from the College of New Jersey (now Princeton University) in 1763 and, while working on a master's degree, taught school in a grammar school in Elizabeth, New Jersey (he was a tutor to Aaron and Sarah Burr, who were the orphan children of the Reverend Aaron Burr, Sr.,

the former president of the college). He also taught at the College of New Jersey from 1767 to 1770. In 1771, he married Sarah Burr and moved to Hartford, where he studied law with Judge Jesse Root. In 1772, he established his law practice in Litchfield. In 1774, Aaron Burr, Reeve's brother-in-law, left his ministerial studies with the Reverend Joseph Bellamy and moved to Litchfield to study law with Attorney Reeve. A year later, Burr left to join the Continental Army on the outbreak of the Revolutionary War.

In 1781, Attorney Reeve worked with Theodore Sedgwick to represent Elizabeth Freeman (known as Bett), a slave in Sheffield, Massachusetts, in a legal bid for her freedom. Bett had heard a reading of the 1780 Massachusetts Constitution that contained the phrase "all men are born free and equal" and asked Sedgwick to take her case in a local court. The case (*Brom & Bett v. Ashley*) set a precedent on constitutional grounds. The precedent led to the abolition of slavery in Massachusetts.

While practicing law, Attorney Reeve took students. At this time, his process followed the usual clerking or apprenticeship system of learning law. Sometimes, he would present talks on the principles of law. Due to the publicity from the *Bett* case, more students flocked to him as a teacher of law. In order to accommodate the increase in students, he constructed a small building on his property and developed a formal 14-month curriculum of legal studies. Thus, in 1784 he founded the law school in Litchfield.

The Litchfield Law School was never chartered by the state, remaining a proprietary effort, and never offered degrees as a credential. At the conclusion of their studies, many students took the Bar exam in Litchfield, even though they would be required to clerk in the office of a lawyer on returning to their homes and take the local Bar exam. Reeve provided letters of reference showing that the young men had "read law" at the school. He lectured on all aspects of legal practice including developing changes in the adaptation of British Common Law. His students followed the procedure of taking notes during the lectures, copying them care-

fully after checking citations, which were put in the margins. Many students bound their notes in leather volumes, which became reference works for them when they entered law practice.

Attorney Reeve was the only instructor at the school until 1798, when James Gould joined him. This school became the most prominent of its kind in the country. Students came from all over the United States. Between 1774 and 1833, 945 men attended the school according to available records. About 200 additional students are believed to have attended in the early years when no roll of students was kept. The Litchfield Law School's greatest influence was in shaping future legal education in this country. Attorney Reeve taught the law as based upon general principles and methods, and upon a national level, not as they pertained to specific states. The school established the study of law as graduate education, distinct from an undergraduate curriculum.

The influence of Litchfield Law School students on American politics is not well known, but should be. Two students went on to become vice president (Aaron Burr and John C. Calhoun), three students served on the Supreme Court of the United States, six served as U.S. Cabinet members, 97 students (more than 10 percent) later served in the U.S. House of Representatives, and 28 were U.S. Senators. At the state level, 15 alumni were elected governors of states and territories, and 13 served as state supreme court chief justices.

Attorney Reeve served as superior court judge from 1798 to 1814. In 1814, he was named Chief Justice and retired in 1815 to publish *The Law of Baron and Femme*, a legal analysis of domestic relations that went into four editions and was the primary treatise on family law for the nineteenth century. Finally, in 1820, Judge Reeve retired as a teacher and Gould continued to operate the law school until 1833, when competition from other law schools, such as Harvard and Yale, resulted in low admission to the Litchfield Law School.

Judge Reeve died in Litchfield on December 13, 1823.

Tapping Reeve's home, now known as Tapping Reeve House and Law School, was designated a National Historic Landmark in 1965. It is owned and operated by the Litchfield Historical Society.

The Tapping Reeve Legal Educator Award was established in 2012.



## John Eldred Shields Distinguished Professional Service Award

### John Eldred Shields (1912-1981)

Attorney John Eldred Shields served as CBA President from 1979-1980. During his 44-year career in law, he received national recognition as an innovative lawyer. He was the third-generation member of his family to practice law.

Attorney Shields was a graduate of the University of Virginia Law School and was admitted to the Connecticut Bar in 1937. Before becoming CBA President, he was president of the New London County Bar Association (1974-1975) and member of countless association committees and boards. He was a member of the Norwich Board of Finance (1938-40) and Deputy Judge of Norwich City Court (1946-1947). Attorney Shields served as Norwich City Attorney and Prosecuting Attorney from 1947 to 1955. He was a Republican candidate and mayor of Norwich in 1946, Town Counsel from 1949 to 1951, and past president of the Norwich Chamber of Commerce (1966-1972). He also served as president, Norwich Aerie, Fraternal Order of Eagles (1940-1943); Director, Eastern Council, Navy League; member, Newcomen Society in North America; member, Sons of the American Revolution. At the time of his appointment as CBA President, he was senior partner of Shields & Block, Norwich. At the time of his death, he was a past president of the CBA, member of the ABA House of Delegates, member of the House of Delegates of the New England Bar Association, and member of the Board of Directors of the Connecticut Bar Foundation.

President Shields was a vigorous advocate of the presence of news cameras in Connecticut courthouses and appointed a Task Force on Cameras in the Courtroom. Under his leadership, the *Connecticut Lawyer* newsletter was expanded to six pages and published from September through June. During this time, the CBA began to publish a four-volume "Lawyer Directory" to be placed in public locations. While Shields was President, the CBA instituted an advertising campaign called "The Law's On Your Side...And so are we" designed to help the public learn more about the law and how it affects them. As President of the CBA, Shields invited the media to cover the deliberations of the Board of Governors and House of Delegates meetings with an invitation to the television networks that "most Association activities greatly affect the public interest and welfare, and we have nothing to hide." Representatives of three television networks viewed the November 1979 Board of Governors meeting. During his CBA presidency, Attorney Shields lobbied successively for increases in judges' compensation. Under his leadership, the CBA, and the New London Bar Association both won ABA Law Day awards. At this time, the CBA was able to persuade the ABA to recommend accreditation of the University of Bridgeport Law School. The CBA was also able to persuade the Connecticut legislature to forego an increase in the occupational tax and able to defeat a proposed sales tax on legal services. Following President Shields' leadership, the CBA held its first long-range planning retreat. Upon President Shields' death, he was recognized for his keen perceptions, his forceful presentations, and his indefatigable interest and efforts on behalf of the profession of law.

The John Eldred Shields Distinguished Professional Service Award was created in 1981. ■

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*An earlier version of this article originally appeared in CT Lawyer magazine, Volume 23, Number 1.*

# Lawyer Well-Being Week: A Call to the Community

By TANYEE CHEUNG

## The Importance of Well-Being

**I**n the fast-paced and often high-stress world of the Lawyer profession, the concept of well-being might sometimes feel like a distant luxury rather than a foundational necessity. Yet, as we navigate through complex cases, deal deadlines, demanding clients, the pursuit of justice and the perpetual drive toward excellence, it becomes increasingly clear that our capacity to perform at our best is inextricably linked to our well-being. Well-being in the Lawyer profession is more than just a buzzword or a trend; it's a critical pillar of professional excellence. It encompasses our physical health, mental resilience, emotional balance, and overall sense of fulfillment.

Neglecting our well-being carries profound dangers that extend far beyond the immediate stress and fatigue we might recognize. When we continuously overlook our physical, mental, and emotional health, we set ourselves on a path towards burnout, a state of emotional, physical, and mental exhaustion caused by excessive and prolonged stress. This neglect can impair our cognitive functions and reduce our ability to think clearly, make rational decisions, and solve problems effectively. It also impacts our emotional resilience, making us more susceptible to anxiety, depression, and other mental health issues. Physically, the toll can manifest in a host of ailments, from chronic headaches to serious cardiovascular dis-

eases. Neglecting well-being undermines our performance and efficiency, negatively affects our interactions with colleagues and clients and diminishes our capacity for empathy and collaboration, and can lead to disengagement and a lack of fulfillment in our careers and possibly an exit from the profession. Stress, burnout, and fatigue are not badges of honor but warning signs that we are operating at a deficit, jeopardizing not just our health but our professional integrity. The dangers of neglecting our well-being are far-reaching, affecting not only our personal health and happiness, but also our professional efficacy and the quality of our contributions to the work we are dedicated to.

Despite its importance, well-being often takes a backseat to immediate deadlines and pressures. With Lawyer Well-Being Week on the horizon this May (May 6-10), it's a poignant time to reflect on your relationship with well-being and consider setting a deliberate intention towards enhancing it.

## Prioritizing Well-Being

Pause, take a breath. What is your relationship to your own well-being? Where is it on your priorities list? How do you approach your well-being. Take this moment and consider the importance of well-being and ask yourself, "What have I done lately to prioritize my well-being?" Take a few minutes and sit with these questions before moving on.

Welcome back! What did you find out? Are you a well-being warrior, a warrior in training? Are you at the place of



“Well, I do THINK about well-being,” or “Well-being... What’s that?” spot. Wherever you are on the spectrum, know that today is the day that you can take a step forward on your well-being journey. Whether you are re-affirming or just starting your commitment to well-being, periodic check-ups can be a great way to remind ourselves that to do our best, we must have the energy and capacity to perform. If you are a well-being warrior, kudos to you! Congratulations on prioritizing your health and I hope you will join me during Lawyer Well-Being Week for some amazing programming from the Connecticut Bar Association. For others that may have allowed well-being to become an afterthought, know you are not alone and commend yourself for taking the time to consider your well-being, it’s a step in the right direction. Then commit to spending some time exploring the many ways you can dip your toes into the world of well-being by participating in the offerings for Lawyer Well-Being Week.

### Lawyer Well-Being Week: A Catalyst for Change

Lawyer Well-Being Week offers a unique opportunity to explore ways to improve your well-being. Look at it as more than a week of events but as a catalyst for long-term change. Jumping into Lawyer Well-Being Week can help you set an intention to make conscious decisions to incorporate practices into your daily life that support your physical, mental, and emotional health. This intention might manifest in small, daily actions or more significant lifestyle changes. No matter the size of your intentions, this dedicated time encourages you to recognize that taking care of oneself isn’t selfish but essential. It can be the start of your journey toward a more balanced and fulfilling life.

During Lawyer Well-Being Week, the Connecticut Bar Association will be hosting a week of well-being events where



you will have the opportunity to learn about well-being practices and to participate in activities that can improve your well-being. Want to learn about mindful eating, how to set yourself up for a good night’s sleep, or how to stretch your way to less stress? Join the CBA Wednesday, May 8, 2024 for a half day, in-person summit at the Indian Harbor Yacht Club in Greenwich! If you can’t make the summit, sign up for a soothing sound healing or one of the other amazing zoom programs being offered that week. All offerings are FREE! No charge for you to explore different modalities of well-being!

None of this quite hitting the spot? Well, I do have some pull with the folks putting on the programming, so please drop a line and let me know what you would like to see. We can see if we can add the programming this year (or maybe keep it in our back-pocket for next year).

For more information on these offerings, visit [ctbar.org/WellBeingWeek](http://ctbar.org/WellBeingWeek).

### A Call to Action

Whether it’s through improving your nutrition, ensuring you get enough sleep, practicing meditation, or simply adopting a more positive mindset, each step you take is a vital investment in your most valuable resource: yourself. The Lawyer profession demands much from us, but it also offers the profound opportunity to make a difference in the lives of those we serve. By prioritizing our well-being, we enhance our capacity to serve our clients effectively, compassionately, and sustainably. Let’s embrace Lawyer Well-Being Week as more than an event but as a moment of collective reflection and action towards a healthier, more balanced professional community. ■



*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.*

# We Can Always Do More

## *CLE Credit for Pro Bono Work*

By DAN A. BRODY

**C**onsider this: *the best way to learn is by doing.* I started my legal career in 2015, first as a law clerk and then at my current firm. I've been fortunate enough to have a number of mentors, both inside and outside of my firm, and have learned and developed due to their guidance. Everyone is different with their own strengths and weaknesses. We all learn in different ways. Mentors have their own style, which allows them to be effective for some, but not necessarily others. In my experience, I've learned the most through being given opportunities, be that increased responsibility handling cases or chances to lead teams and organizations. That brings me to pro bono. My first case as a barred attorney was a pro bono domestic violence representation. Years later, I lead the pro bono domestic violence group at Robinson+Cole and proudly support domestic violence non-profit organizations throughout the state. I attribute a lot of my professional growth to handling these pro bono matters, which have allowed me to find my style, voice, and gain experiences in client meetings, developing strategy, and in court. That development has translated to how I handle billable matters and I recognize how each area compliments the other as I continue this never-ending career of learning.



I have attended a number of Continuing Legal Education (CLE) sessions and come away from them with mixed impressions and, sometimes, little by way of education. CLE credits are a way for attorneys to maintain and enhance legal skills, knowledge, and competence. I think of CLE as a brief return to the law school classroom for practicing attorneys. But how many attorneys say they learned more in their first year of practice than they did in all of law school? Attending panels and conferences, sometimes at a substantial financial cost, can be valuable especially when learning about new or emerging practice areas, but it may not be

the ideal way to enhance legal skills and knowledge.

By my count, 17 of the states that have mandatory CLE requirements—not all of them require it—also permit attorneys to obtain CLE credit through pro bono work. The American Bar Association has also spoken on this topic. It is not a new idea; it is just something new. The specifics of CLE-credit-for-pro-bono-work programs vary from state to state. Some states cap the amount of CLE credit earned through pro bono work, such as Minnesota, which has a cap of six hours per reporting cycle. Others permit one hour of CLE credit to be earned for three

hours of pro bono work (Nevada), five hours of pro bono work (Arizona), or six hours of pro bono work (Ohio). As with CLE credits, some states allow pro bono hours to be carried over to the following reporting period (Tennessee). Despite the differences in implementation, I do think the various systems acknowledge a common theme, that the best way to learn is by doing.

Pro bono work and access to justice serve a valuable segment and need in our society. Inaccessible justice is one of the most pressing problems in the communities around us and in our state. Most lawyers take on pro bono work because it is enriching, feels good, and can change a client's life or living situation. But most lawyers do not take on pro bono work. Pro bono remains an aspirational concept, as does a significant segment of our state's population's ability to pay sizable legal fees. The internal rewards are significant, but there could always be more.

Providing CLE credit for pro bono hours could expose attorneys to more work, thereby increasing experience and competence, and provide meaningful legal services to underserved populations and communities. If competence in a pro bono area is a concern, the Connecticut Bar Association offers and supports a number of pro bono programs and opportunities that come with experienced attorneys as resources and pre-recorded CLE programs addressing the issues of the particular program. In their own way, law schools have endorsed the leaning by doing method by offering increased pro bono and clinical opportunities to students. Consider this the beginning of a proposal to add Connecticut to the list of states that blend continued leaning and access to justice into one. ■



*Dan A. Brody is an associate at Robinson & Cole LLP. He is a member of the firm's Litigation Section and focuses his practice on complex business litigation matters, government and internal investigations, corporate compliance, and criminal defense.*



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## Join Us for the 2024 CBA Well-Being Summit

**Wednesday, May 8, 2024**

Indian Harbor Yacht Club, Greenwich



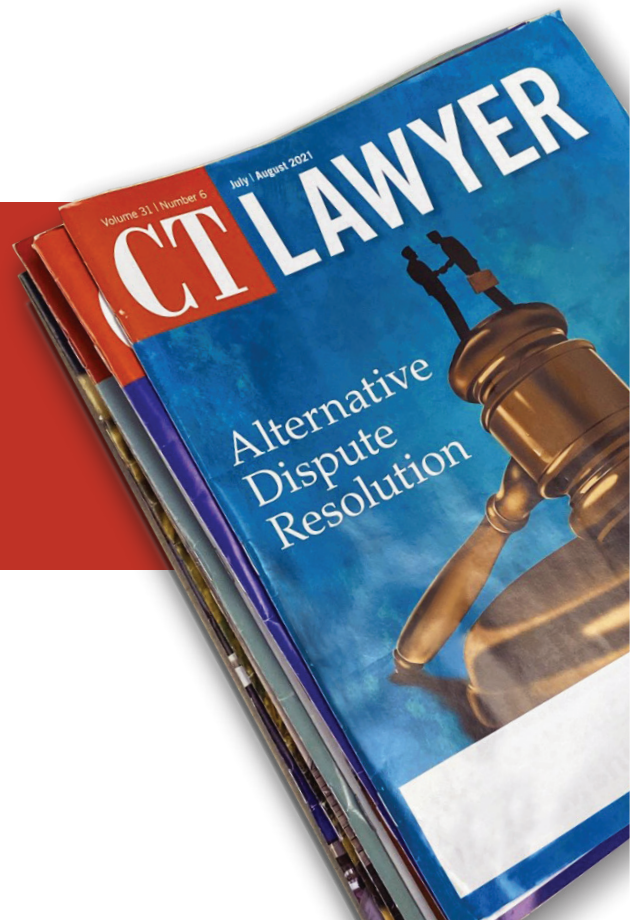
Visit [ctbar.org/Well-BeingSummit](https://ctbar.org/Well-BeingSummit) for more details.

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# 'Cause I'm the Taxman

By CHARLES D. RAY

**I**t's fair to say that George Harrison, the lyricist of "Taxman," was no fan of Great Britain's tax system. We have some recent litigants who likely share his level of disdain when it comes to Connecticut's system. Our plaintiff, Alico, LLC, is a landscape construction company that operates in several states and has offices in Ludlow, Massachusetts and Somers, Connecticut. Alico's sole member and his wife both work for the company. Alico owns two vehicles that the owner and his wife use daily in their work and garage at night at their home in Somers. Until 2021, the vehicles were registered in Massachusetts and taxes on them were paid to that state.

In 2018, the Somers tax assessor got wind of things and retroactively placed Alico's two vehicles on the tax rolls for 2017 and 2018, under the authority of Section 12-71(f) of the General Statutes. The assessor also assessed taxes and a 25 percent penalty against Alico's sole owner, despite the fact that the two vehicles were owned by Alico. The Somers Board of Assessment appeals altered the 2017 and 2018 grand lists to reflect Alico as the owner of the two vehicles, but otherwise left the assessment in place.

Alico and its owner appealed to the Superior Court, arguing that Somers' assessment on the 2017, 2018 and 2019 grand lists amounted to double taxation and violated the dormant commerce clause of the United States Constitution, because the vehicles were used in interstate commerce and subject to taxation in Massachusetts. The Superior Court rejected that argument, concluding: 1) the tax imposed was fairly related to the benefits provided by the

Town and was fairly apportioned because it was directly tied to activities of the vehicle within the town; 2) Section 12-71(f) was qualitatively different than the tax imposed in Massachusetts, which was an excise tax levied on the privilege of registering a motor vehicle in that state; and 3) that Alico had the choice of registering the two vehicles in Connecticut, such that any double taxation was the result of Alico's choice as to registration and not the result of a discriminatory tax scheme. The Court thus ruled that the vehicles had properly been added to Somers' grand lists, but gave Alico a small victory by reducing the assessed value of the vehicles and eliminating the 25 percent penalty.

The Supreme Court transferred Alico's appeal from the Appellate Court to its own docket. In an opinion penned by Justice Alexander, the Court affirmed, unanimously, the trial court's judgment. To refresh, the commerce clause has two functions—one that's awake and one that's asleep. The clause itself provides that Congress has the power to "regulate Commerce with foreign Nations, and among the Several States, and with the Indian Tribes . . ." The dormant commerce clause prohibits states from taxing a transaction more heavily if it crosses state lines and from discriminating against interstate commerce by providing a direct advantage to local business or by subjecting interstate commerce to the burden of multiple taxation. *See Comptroller of the Treasury v. Wynne*, 575 U.S. 542, 549-50 (2015).

When evaluating a dormant commerce clause claim, a court will first look to see whether a tax facially discriminates

against interstate commerce or is facially neutral. If facially neutral, a tax can still run afoul of the commerce clause if it has the "practical effect of imposing a burden on interstate commerce that is disproportionate to the legitimate benefits." *MERSCOPR Holdings, Inc. v. Malloy*, 320 Conn. 448, 474, cert. denied, 580 U.S. 959 (2016). If facially neutral, a tax claimed to be unconstitutional is evaluated by way of the four-part test laid out in *Chase Manhattan Bank v. Gavin*, 249 Conn. 172, 210, cert. denied, 528 U.S. 965 (1999): 1) is the tax applied to an activity with a substantial nexus with the taxing state; 2) is the tax fairly apportioned; 3) does the tax discriminate against interstate commerce; and 4) is the tax fairly related to services provided by the state. *See Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 279 (1977).

Alico made no claim that Section 12-71(f) was not facially neutral and conceded that the tax satisfied the first and fourth prongs of the *Complete Auto* test. Ultimately, the Court's analysis boiled down to whether the tax imposed on Alico was fairly apportioned (second prong). In that analysis, a court will look to whether a tax is fairly attributable to an activity carried on in the taxing state. In doing so, a court should first ask whether a tax is "internally consistent" and, if so, whether it is "externally consistent" as well. In *Alico*, the plaintiffs claimed that Section 12-71(f) was internally inconsistent "because, if a vehicle leaves from and returns each day to state A but is registered and owned by a company in state B, the company would owe taxes to state A pursuant to § 12-71(f)(4), and it would also owe taxes to state B pursuant to § 12-71(f)(3)(A)." *Alico*, 348 Conn. at 358.



The problem for Alico, as pointed out by the Court, is that both subsections of § 12-71 base taxation on where, in the normal course of operation, a vehicle “most frequently leaves from and returns to.” And if a vehicle most frequently leaves from and returns to more than one town, that vehicle is to be added to the tax list of the town in which it is located for three or more months preceding the assessment date. Under this scheme, as Justice Alexander notes, a vehicle cannot be taxed by more than one state because a vehicle cannot, in the normal course, most frequently leave from and return to more than one state. Well, that’s fine says Alico, but the statute is still internally inconsistent because it does not require Connecticut to provide a credit for the taxes that Alico pays on its vehicles to Massachusetts. Not a problem according to the Court, because the saving grace

of tax credits comes into play only if the tax is internally inconsistent and needs to be saved.

At this point, the apt reader might be sensing a Catch-22 situation, given that Alico paid taxes to Massachusetts based on its registration of the two vehicles there and must now pay taxes, retroactively, in Connecticut based on where the owner and his wife live. But double taxation is not unconstitutional if the taxes result from different and nondiscriminatory tax schemes. And here, “Alico pays multiple taxes on its vehicles...because of the combined effect of Connecticut’s and Massachusetts’ different and nondiscriminatory tax schemes—one of which taxes vehicles on the basis of their physical location and the amount of time that they are in the state, and the other that taxes vehicles on

the basis of their registration in the state.” *Alico*, 348 Conn. at 363. The fact that both taxes are calculated by way of the value of the vehicle did not sway the Court away from its conclusion that the two taxes were different and non-discriminatory. The Court’s reluctance to do so was based in large part on its conclusion that Alico could have avoided the double taxation problem by registering its vehicles in Connecticut rather than Massachusetts. How it was supposed to do so on a retroactive basis was left unexplained.

In the end, the Court’s analysis is hard to fault. The fairness of the result is bound to be disputed by Alico. ■



*Charles D. Ray is a partner at McCarter & English LLP, in Hartford. He clerked for Justice David M. Shea during the Supreme Court’s 1989–1990 term and appears before the Court on a regular basis.*

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

# Embrace the Power of Networking

By SARA J. O'BRIEN

**L**ately, I have found myself spending more and more time on LinkedIn. Perhaps it is a natural progression of aging (both personally and professionally) that we find ourselves redirected away from one form of social media and drawn into another, or perhaps it is a side effect of the COVID-19 pandemic when we were forced to network online rather than in-person. Either way, it has proven benefits, which I have only begun to realize by committing myself to a networking platform that emanates positivity and growth.

A few months ago, I attended the Northeast Regional Professional Development Conference for Young Lawyers, which included a seminar discussion on the Lawyer's Guide to Social Media Success presented by Ryan McKeen and Karen Vladeck. They discussed how social media has become a powerful tool for communication, networking, and business development, and encouraged lawyers to embrace the opportunities platforms like LinkedIn provided to its users. It starts with one post. It doesn't have to be fancy. It doesn't have to change the world. And it doesn't have to draw in a million-dollar case. All it takes is a few authentic words appearing next to your profile picture and populating in your connections' feeds.

For some, this can be an intimidating and even stress-inducing exercise, but the benefits are proven and it's worth at least trying. It is something I have been working on myself—to stop worrying how others may perceive my posts and to just start the dialogue about the things I'm working on, topics that interest me, or the things I

am learning. Connecticut is a small state. The Bar is a small community. Being able to learn from and support one another in the legal world in which we live should be a top priority.

Participation in digital networking is not limited to the creation of new content but can also be accomplished by engaging in and reacting to conversations with others. Incrementally more, I am finding myself engaging in conversations with other practicing attorneys both in and out of state. I offer congratulatory comments on recent settlements or verdicts, and on promotions or career moves. I send out personal messages to connect where I think there could be mutual benefit to both parties. After all, you never know when you will be asked for a referral to counsel in another practice area or even another jurisdiction. It may feel strange at first, but it is no different than approaching a stranger at an in-person networking event. In my experience, people don't tend to shy away from a genuine outreach from a

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fellow professional, and for the younger attorneys out there, the generation that precedes us truly does want to leave the ladder down to help us climb.

This leads me to my next point: as lawyers, the public tends to give us a "professional hat" that we rarely have the chance to take off. Being a lawyer seems to be one of those professions where you are always on duty. There are few professions like it, but as soon as you are labeled as an attorney, you are rarely viewed as much else. You are the one with the answers. The one who can seamlessly resolve a dispute or navigate a complicated business transaction. Your childhood friends and long-lost family show up out of the woodwork to seek legal advice on questions that may or may not even be in your practice area. Without a solid network of colleagues and resources, this can be overwhelming and even time consuming.

As previously discussed, today's digital age provides an opportunity to grow and

expand in our professional network beyond just the geographical region in which we live, but there is still great importance to establishing a solid network within your own community, as well. Prior to my involvement with the Young Lawyers Section Executive Committee, I found professional networking to be a daunting exercise. At the encouragement of a friend, I joined the Executive Committee and have never looked back. Joining this organization has been one of the best professional decisions I have ever made for my career. It revolutionized my networking experience and enabled me to grow a network of colleagues practicing in all areas of law throughout Connecticut. I know my experience with the Executive Committee is not unique to me, and that many other members would likely agree. ■



For those who qualify for membership in the Young Lawyers’ Section (under the age of 37 or have been a member of the Bar for less than 6 years), I would strongly encourage you to consider applying to the Executive Committee for the 2024-2025 Bar Year. Check out [ctbar.org/YLS](http://ctbar.org/YLS) for more information. You won’t regret it.



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