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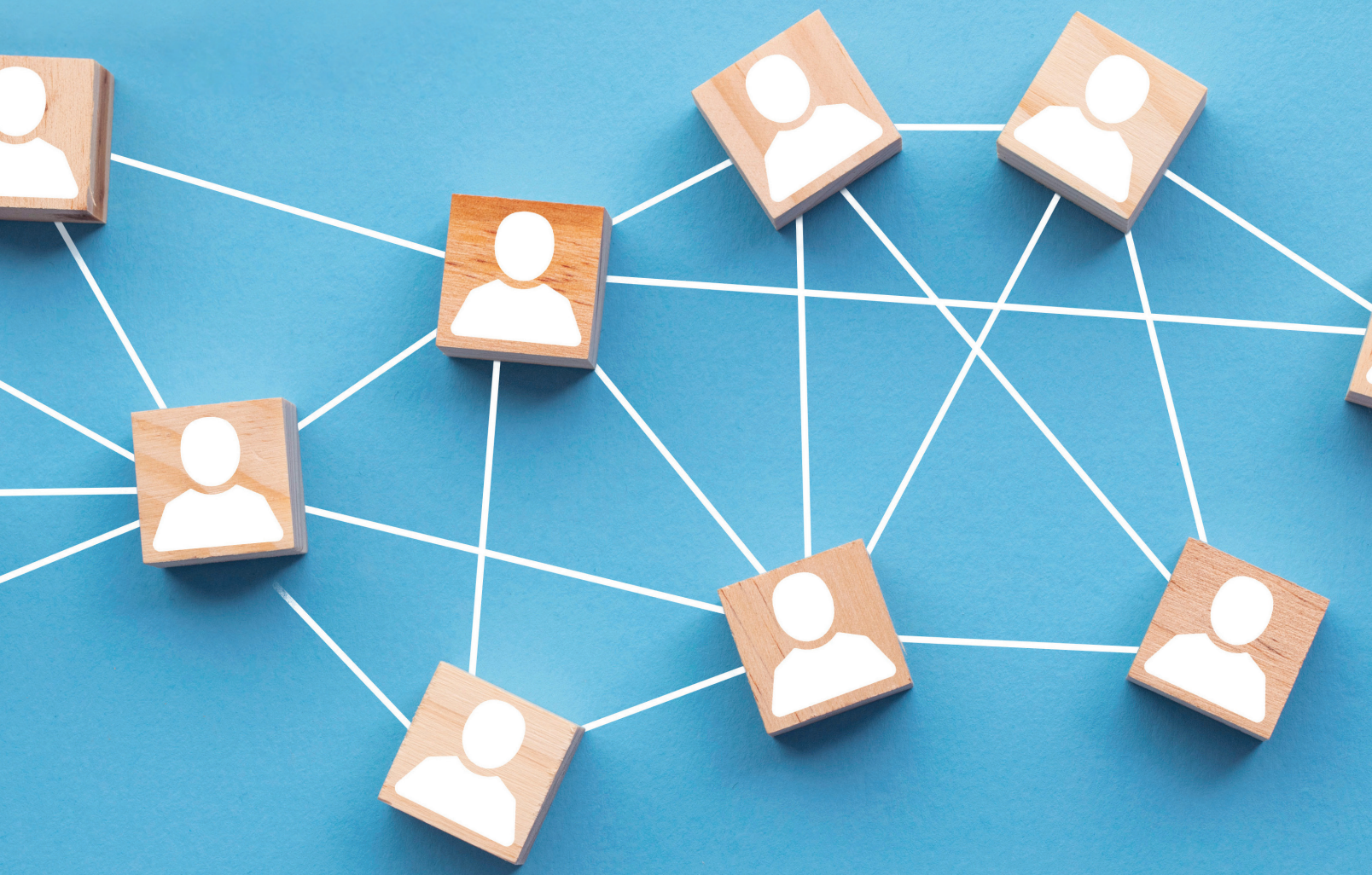

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CT LAWYER

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A Season of Connection

By EMILY A. GIANQUINTO

Emily A. Gianquinto is the CBA's 102nd president. Attorney Gianquinto is special counsel at McCarter & English LLP, where she counsels employers on day-to-day employment matters and represents them before federal and state courts, administrative agencies, and mediation and arbitration panels. Her experience includes litigating all manner of business disputes.

Spring is here, and with it is an absolute avalanche of bar association events. There's so much going on it's hard to keep up. Law Day events across the state, the Connecticut Bar Foundation's Annual Fellows Reception, the Lawyers Collaborative for Diversity's annual Edwin Archer Randolph Diversity Awards Celebration, annual meetings of several of our affinity and local bar associations, the new attorney admission ceremony for our February bar takers, various section and committee events—each of these events is a unique opportunity to connect with, learn from, and celebrate the accomplishments of our colleagues.

By the time this issue of the magazine goes to print, the Connecticut Legal Conference, our biggest event of the year, will be just around the corner. On June 2, attorneys from across the state will again come together at the Connecticut Convention Center for a full day of education, connection, and shared purpose. This is an event that continues to evolve with our association and with our profession.

Last year, about 800 people gathered to fulfill their annual CLE requirements, hear from both local and national speakers, and hear about the CBA's plans for the upcoming bar year. If early registrations are any indication, this year's conference is on track to be our largest yet. If you're reading this and you're not registered yet—get online now to secure your spot.

In my 20 years as a Connecticut lawyer, I have rarely missed the CLC (previously just called our annual meeting). When I was a younger lawyer, I attended primarily for the CLE, especially for the offerings in my area of practice. As I've gotten older, I've discovered that the CLE sessions I enjoy the most are those that have nothing to do with my practice. Sometimes, those are the sessions that tackle current events or national trends, often with our featured speakers. This year, attendees will hear from Erwin Chemerinsky, one of our country's leading constitutional law scholars, who will discuss the evolution of separation of powers as described in the Constitution. That session will be followed by a panel addressing the U.S. Supreme Court's recent decisions on issues such as voting rights, which is as timely as it gets.

For those of you who prefer to stick with CLE in your substantive practice areas, we have a great lineup of annual updates in areas including appellate law, family law, construction law, commercial law and bankruptcy, real property, and workers' compensation. We also have offerings about the use of AI tools, ranging from consideration of privilege and ethical issues to some practical how-tos, and tips on managing your solo or small firm. In short, the CLE programming is designed to meet attorneys where they are, whether practitioners or those just beginning their careers.

What I enjoy most about the CLC every year, though, are the informal interactions that take place throughout the day. This all-day event creates a rare space where judges and attorneys from different practice areas, regions, and career stages meet and often reconnect, during the alumni breakfasts, over coffee between sessions, while visiting our vendor and sponsor tables, at their luncheon table, and at the President's Reception that closes out the day. These moments of connection are the reason our association exists. They are how we foster mentorship, spark collaboration, and reinforce the shared professional identity that comes with practicing law in our small state.

The conference is also a critical entry point for law students and young lawyers. Through section-sponsored oppor-

tunities and intentional outreach, newer members of the profession are able to attend and participate at the CLC in meaningful ways, including being paired with more seasoned attorneys who can show them the ropes. Thank you to all of our sections who have sponsored students in the past and are doing so this year. Your efforts are critical to helping our future and our newest members of our bar gain to different practice areas and start to build their networks, which leads to them finding a sense of place in our association and within the broader legal community.

If, like me you especially look forward to the social aspect of the CLC, we'd love to see you at our Day at the Ballpark on June 28. The CBA has reserved a party deck area at the Yard Goats stadium in Hartford for an afternoon game. We invite you to bring your family and friends to relax for a few hours. A low ticket price gets you entry, a buffet lunch, and beer and wine, and kids are invited to run the bases after the game.

"What I enjoy most about the CLC every year, though, are the informal interactions that take place throughout the day. This all-day event creates a rare space where judges and attorneys from different practice areas, regions, and career stages meet and often reconnect, during the alumni breakfasts, over coffee between sessions, while visiting our vendor and sponsor tables, at their luncheon table, and at the President's Reception that closes out the day. These moments of connection are the reason our association exists. They are how we foster mentorship, spark collaboration, and reinforce the shared professional identity that comes with practicing law in our small state.

Our profession continues to navigate significant change—technological, structural, and societal. As I've written on this page before, the importance of coming together as a community cannot be overstated. Social gatherings like the CBA Yard Goats game provide a different but equally valuable kind of engagement and community connection. That connection is not divorced from our role as lawyers but is fundamental to it. Casual interactions in social settings, especially those that include the non-lawyers in our lives, strengthen relationships in ways that ultimately carry back into our professional life. They also serve as a reminder that the legal community is part of a broader civic fabric, one that extends beyond courtrooms and conference rooms.

I hope to see many of you at the CLC, at our Day at the Ballpark, and at other celebratory and social gatherings happening across our state this spring. Let's keep our community strong.

Image credit: borchee | Getty Images

CBA Delegation Attends 2026 ABA Day

The CBA and ABA are working hard to advocate for our members. On March 24-26, a delegation of bar leaders from the CBA traveled to Washington, D.C. to attend the American Bar Association (ABA)'s 2026 ABA Day event. Each year, during ABA Day, leaders of the ABA and state and local bars from around the country come together to advocate at the capital on issues of importance to the legal profession. Along with advocacy, this year's event also included guest speakers, presentations, and a reception at the United States Botanic Garden.

(L to R) ABA Day State Captain Daniel A. Schwartz, the CBA's ABA Delegates Amy Lin Meyerson, Steve Curley, and ABA Day State Captain Alison J. Toumekian

ABA Day State Captains Daniel A. Schwartz and Alison J. Toumekian, along with the CBA's Delegates to the ABA Amy Lin Meyerson and Steve Curley met with Connecticut U.S. Senator Richard Blumenthal, U.S. Representatives Jim Himes and Joe Courtney as well as legislative staff members of Senator Chris Murphy and representatives Rosa DeLauro, Johana Hayes, and John Larson.

Our delegation pushed for greater support for funding public defender programs and the Legal Services Corporation, which provides legal assistance to people with limited income, as well as defending the public service loan forgiveness program. The CBA is proud to be making a difference for its members.

(L to R) U.S. Senator Richard Blumenthal, ABA Day State Captain Alison J. Toumekian, ABA Day State Captain Daniel A. Schwartz

(L to R) Amy Lin Meyerson, U.S. Representative Jim Himes, Steve Curley

CBA Young Lawyers Section Connects with Law Students at Speed Networking Event

Connecticut Bar Association Young Lawyers Section (YLS) hosted a Speed Networking Event at Kinsmen Brewing in Milldale on April 1, bringing together a group of young attorneys and law students from across the state.

The event welcomed students from Quinnipiac University School of Law, University of Connecticut School of Law, and Western New England School of Law. The structured speed networking format gave attendees the opportunity to engage in a series of brief, focused conversations designed to foster meaningful professional relationships.

"This speed networking event reflects what the Young Lawyers Section is all about, creating meaningful opportunities for connection, mentorship, and growth," stated YLS Law School Outreach Director Kyle A. Bechet. "By bringing together law students and practicing attorneys in a welcoming, structured environment, we're helping to build relationships that can shape careers and strengthen the future of our profession."

Quinnipiac University School of Law, University of Connecticut School of Law, and Western New England School of Law, and Western New England School of Law met with practicing attorneys at the event.

The evening began with informal networking over food and drinks, followed by the timed networking sessions, and concluded with additional opportunities for attendees to continue conversations and build connections. The Speed Networking event is part of the Young Lawyers Section's broader mission to support professional development, encourage collaboration, and ease the transition from law school to legal practice. By facilitating direct interaction between students and practicing attorneys, the event served as a valuable bridge between education and the profession.

CBA Co-Hosts History of Attorneys of Color Video Premiere

(L to R) CBA Director of Access to Justice and Equity Song Kim; Past CBA President Amy Lin Meyerson; John Rose, Jr.; History of Attorneys of Color Committee Chair Judge Robyn Stewart Johnson, Marilyn Diaz

On April 2, the Connecticut Bar Association (CBA), the Connecticut Bar Foundation (CBF), the CBF James W. Cooper Fellows, and Quinnipiac University School of Law co-hosted a video premiere at Quinnipiac's law school campus that highlighted four trailblazing attorneys of color in CT: Marilyn Diaz; Past CBA President Amy Lin Meyerson; Judge M. Nawaz Wahla; and John Rose, Jr.

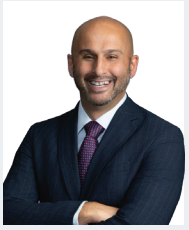
The evening began with a reception, offering attendees an opportunity to connect and socialize before the video screening. The video, which was screened in the law school's ceremonial courtroom, consisted of content taken from interviews with each of the four highlighted legal professionals. It explored personal stories from each of them ranging from Attorney Rose's pioneering ex-

periences as an African American attorney in Connecticut, Judge Nawaz Wahla's past career in the Pakistani military, Attorney Meyerson's participation in forming an Asian affinity student group in law school, and Attorney Diaz's experience working with the U.S. Department of Housing and Urban Development.

Following the premiere, the video's participants answered questions from the audience, sharing anecdotes about the challenges they faced and the progress they and others have made in expanding diversity within the legal profession. When asked how she has continued to support the next generation of attorneys of color, Attorney Meyerson answered, "I have continued to show up at the associations of the American Bar, the Connecticut Bar, the Connecticut Asian Pacific American Bar Association, and the National Asian Pacific American Bar Association so I can engage with younger attorneys and hopefully assist them when I see opportunities that I come across and recommend these folks for those opportunities."

The History of Attorneys of Color video project is part of a broader initiative to document and share the history of attorneys of color in Connecticut, with the goal of educating and inspiring future generations. By capturing these personal narratives, the initiative seeks to ensure that the experiences and achievements of these attorneys remain an enduring part of Connecticut's legal history.

IN MEMORIAM



Daniel J. Krisch (1973–2026) served as a partner at the law firm Harris Beach Murtha, which he joined in 2023. Over a distinguished career spanning more than two decades, he served as a law clerk to former Connecticut Supreme Court Chief Justice Ellen Ash Peters, established himself as a highly regarded appellate attorney, and contributed to the profession through teaching appellate advocacy at the University of Connecticut School of Law and writing for the Connecticut Law Tribune. He previously served on the Connecticut Bar Association (CBA)'s Fair and Impartial Courts Committee as well as the Appellate Advocacy and Criminal Justice Sections' Executive Committees. During the 2007-2008 bar year, he served as the chair of the CBA Young Lawyers Section.

Connecticut Bar Association Hosts 2026 High School Mock Trial Competition

From December 2025 through March 2026, the Connecticut Bar Association hosted a statewide high school mock trial competition that brought together students from across the state to demonstrate their advocacy skills, legal knowledge, and professionalism in the courtroom. Organized under the supervision of the Mock Trial Subcommittee of the CBA Civics Education Committee, the competition began in December with regional trials held in courthouses throughout Connecticut.

Teams that successfully argued both sides of their case in the regional rounds advanced to a statewide playoff tournament, culminating in the championship round between Weston High School and West Hartford's William H. Hall High School. The final round took place on March 19 in the Connecticut Supreme Court, providing students with the unique opportunity to present their cases in the state's most distinguished courtroom. Avi Mayo of William H. Hall High School shared what the experience meant to her, stating, "Competing in the mock trial finals was an incredible honor that made the entire experience feel real and meaningful."

The final round centered on a criminal case involving a drug overdose incident, challenging students to navigate complex legal and factual issues. Participants were required to analyze evidence, develop persuasive arguments, and think quickly under pressure during direct and cross-examinations. The experience pushed students to sharpen essential skills such as public speaking, critical thinking, and teamwork. Ananya Rajesh of Weston High School reflected on the challenges of acting as a witness in the case, noting, "I couldn't just memorize my lines; instead, I focused on understanding my character and the role I played in the case as a whole," adding that the experience strengthened her ability to think critically and respond confidently in the moment.

Connecticut Supreme Court Chief Justice Raheem L. Mullins welcomed participants at the start of the final round, while Associate Justice William H. Bright, Jr. presided over the trial. Justice Bright praised both teams' performances, emphasizing the high caliber of their work and exclaiming, "the students' level of preparation was *Continued on page 28→*

Quinnipiac University School of Law, University of Connecticut School of Law, and Western New England School of Law, and Western New England School of Law met with practicing attorneys at the event.

A Night of Recognition, Gratitude, and Inspiration: 2026 Celebrate with the Stars

The Connecticut Bar Association (CBA) welcomed over 300 legal professionals, community members, and their families and friends at the Aqua Turf Club in Plantsville on March 12 for the thirteenth annual Celebrate with the Stars awards dinner—an evening dedicated to honoring excellence, service, and leadership across the Connecticut legal community.

Before the evening's presentation began, guests socialized while enjoying live music, a photo booth, and drinks and appetizers. CBA President Emily Gianquinto; President-Elect J. Paul Vance, Jr.; and Vice President Rowena A. Moffett hosted the evening's presentation of awards. Among the event's attendees was U.S. Senator Richard Blumenthal, who was invited onstage to congratulate the night's awardees as well as to be recognized as one of the attorneys celebrating 50 years of admission to the Connecticut Bar. Addressing the attorneys in attendance at the event, Senator Blumenthal stated, "I am inspired to be with you because every day you stand up for people, you represent them, you fight for them, you believe in every individual having rights. So, I am here to say thank you to all of you." Following Senator Blumenthal's remarks, the other attending attorneys barred in 1976 were honored with commemorative pins, recognizing their five decades of dedication to clients, the justice system, and the rule of law.

The evening's central focus was the presentation of the CBA's annual awards, each highlighting a different dimension of professional excellence and service. Video tributes from colleagues and peers highlighted the accomplishments and character of each award recipient and were followed by brief acceptance remarks from the awardees themselves.

The Honorable Anthony V. DeMayo Pro Bono Award was presented to Gregory P. Muccilli for his dedication to providing pro bono legal services to those in need without any expectation of compensation. Speaking about his work as the chair of Shipman and Goodwin LLP's Pro Bono Committee, he noted, "Through our team's work, we were able to assist in keeping over 400 individuals and families housed in the city of Hartford through a multiyear rental assistance program established by Mayor Bronin."

The 2026 Celebrate with the Stars Awards Recipients (From Left to Right, Rear) Muneer I. Ahmad; Hon. Victor A. Bolden; Gregory P. Muccilli; John M. Russo, Jr. (Front) Deborah R. Witkin, Alex Amouyel (Newman's Own Foundation), Ginny Kim, Carl M. Porto, Bruce Louden

Image credit: stilllifephotographer | Getty Images

Attorneys admitted to the Connecticut Bar in 1976 were honored at the event with 50-year commemorative pins.

Young Lawyers Section (YLS) Chair Paige M. Vaillancourt joined the CBA officers on stage to present the Young Lawyers Section Vanguard Award to John M. Russo, Jr., who was recognized for his leadership and lasting contributions to the YLS and the CBA. In her introduction, Attorney Vaillancourt noted, "John embodied everything we want the YLS to be. He was one of the most inviting faces to new members, making sure he took the time to get know them and include them in conversation."

The Distinguished Public Service Award was presented to Newman's Own Foundation, honoring the Connecticut based organization's significant philanthropic contributions to society. Newman's Own CEO and President Alex Amouyel accepted the award on behalf of the foundation and spoke about its mission of using 100 percent of the profits and royalties from the sale of Newman's Own products to support charitable causes. Ginny Kim earned The Citizen of the Law Award for her meaningful service to charitable and public causes beyond the legal profession, including her work as co-chair of the board for the Center for Children's Advocacy. During her remarks, she dedicated her award to her father who served in the Korean war for the South Korean Army before moving to the United States and becoming a U.S. citizen. "When he finally immigrated to this country, he came already with a deep, deep reverence for democracy, and understood that our freedoms are secured by the rule of law," stated Attorney Kim.

The Charles J. Parker Legal Services Award was presented to Deborah R. Witkin, recognizing her longstanding commitment to expanding access to legal services for underserved communities. She retired from her role as executive director of Connecticut Legal Services in January 2026, after 39 years of distinguished service dedicated to expanding access to justice for low-income individuals and families.

Yale Professor Muneer I. Ahmad received The Tapping Reeve Legal Educator Award his significant contributions to legal education, especially through the Worker and Immigrant Rights Advocacy Clinic where he and his students represent individuals, groups, and organizations in litigation and non-litigation matters involving immigration, immigrant rights, labor, and the intersections among them.

The John Eldred Shields Distinguished Professional Service Award was presented to Carl M. Porto for his outstanding service to the legal community and the CBA. He served as chair of the CBA Unauthorized Practice of Law Committee for more than two decades, helping to draft the definition of the practice of law in Connecticut and elevate the unauthorized practice of law in the state from a minor misdemeanor to a felony.

The Edward F. Hennessey Professionalism Award was awarded to Bruce Louden, recognizing the outstanding integrity, civility, and mentorship that had defined his legal career. Attorney Louden ended his remarks by noting, "I have been, and I still am, equally blessed in my family and in the law."

The night's final awardee, The Honorable Victor A. Bolden, received The Henry J. Naruk Judiciary Award for his contributions to the administration of justice in Connecticut as a federal judge for the U.S District Court for the District of Connecticut. "Today, and every day, I am supported and surrounded by love, the kind of love necessary to do the work that I do," noted Judge Bolden. "As for that work, it is rooted in this nation's history, and its deep abiding desire for and commitment to respect. That everyone is to be treated as if they mattered, and everyone knows they matter by how they were treated."

As the presentation concluded, CBA President Emily A. Gianquinto thanked the event's attendees, sponsors, and staff for their role in supporting this year's Celebrate with the Stars. Guests departed with a small token of appreciation, bags of popcorn provided by Newman's Own, bringing a close to an evening that celebrated the very best of Connecticut's legal community.

Informal Opinion 25-3

Lawyer's Obligations Under Rule 1.15 Upon Receiving Funds Subject to a Letter of Protection Issued by the Lawyer

A request for an opinion prompts the Committee to address a lawyer's obligations under Rule 1.15 upon receiving funds subject to a letter of protection issued by the lawyer. In the course of doing so, we take the opportunity to review more generally a lawyer's obligations to safeguard and protect funds or other property that come into the lawyer's possession as to which one or more third parties assert a claim.

As the Committee has previously explained, a letter of protection, commonly used in personal injury matters, is an agreement between a lawyer and a healthcare provider that the provider will be paid for its services to a client from the proceeds of the client's claim, if any, in exchange for the provider's forbearance on any collection effort. *See* Connecticut Bar Association, Standing Committee on Professional Ethics, Informal Opinion 95-18, *Letters of Protection* (1995) (a letter of protection "is a letter written by a lawyer—acting in the course of representing a client—to a provider of goods and services to or for the benefit of that client in which the lawyer undertakes to pay the provider for those goods and services out of funds the lawyer anticipates receiving for the client"). A lawyer may provide such a letter only when the lawyer has the client's informed consent to do so. *Id.*

The Rule 1.15(f) Threshold Inquiry: Is there an "Interest" Within the Meaning of the Rule?

When a lawyer receives funds from a settlement or judgment that are subject to a letter of protection issued by the lawyer, the lawyer's obligations are governed by Rule 1.15. That is because the letter of protection creates a cognizable "interest" within the meaning of Rule 1.15(f).

Rule 1.15(f) sets forth a lawyer's obligation to segregate and safeguard property in which a client and a third party have an interest:

> (f) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) have interests, the property shall be kept separate by the lawyer until any competing interests are resolved. The lawyer shall promptly distribute all portions of the property as to which the lawyer is able to identify the parties that have interests and as to which there are no competing interests. Where there are competing interests in the property or a portion of the property, the lawyer shall segregate and safeguard the property subject to the competing interests.

Where a third party asserts a right to payment from funds or other property received by a lawyer on behalf of a client, the analysis of the lawyer's obligations under Rule 1.15(f) necessarily begins with a threshold determination of whether the third party's claim amounts to a cognizable "interest" that is subject to protection under Rule 1.15(f). If the attorney determines that the third party has an "interest" within the meaning of the Rule, subsection (f) dictates that the attorney "keep separate" any portion of the funds or property that is subject to conflicting claims until the dispute is resolved.

Not every assertion of a claim by a third party qualifies as an "interest" that must be safeguarded and protected under Rule 1.15.[1] As subsection (g) of Rule 1.15 provides: "The word 'interest(s)' as used in this subsection and subsections (e) and (f) means more than the mere assertion of a claim by a third party." Thus a general creditor, for example, does not have a protected legal interest in client property held by a lawyer. Connecticut Bar Association, Standing Committee on Professional Ethics, Informal Opinion 95-20, *Extent of Lawyer's Obligation to Third Parties Pursuant to Rule 1.15(b) and (c)* (1995) (Rule 1.15 "does not apply to claims of a client's general creditors").[2] *See also Silver v. Statewide Grievance Committee*, 42 Conn.App. 229, 237 (1996) ("Rule 1.15 does not create third party interests, but, rather, requires an attorney to safeguard only those interests that otherwise exist at law."), *certification dismissed as improvidently granted*, 242 Conn. 186, 189 (1997).

In Informal Opinion 95-20, this Committee concluded that only "legal interests are protected under Rule 1.15," and that the lawyer was not required to protect the claims of third parties "except in three limited circumstances": a judgment, a lien, or a letter of protection concerning the funds or property in the lawyer's possession. The Committee subsequently recognized a fourth exception: a "written assignment, signed by the client." Connecticut Bar Association, Standing Committee on Professional Ethics, Informal Opinion 01-08, *Extent of a Lawyer's Obligation to Third Parties, Pursuant to Rule 1.15(b) and (c) (Revising Informal Opinions 95-20 and 99-6)* (2001).

The four "limited circumstances" have been codified in the Commentary to Rule 1.15, as follows:

> The word "interest(s)"as used in subsections (e), (f) and (g) includes, but is not limited to, the following: a valid judgment concerning disposition of the property; a valid statutory or judgment lien, or other lien recognized by law, against the property; a letter of protection or similar obligation that is both (a) directly related to the property held by the lawyer, and (b) an obligation specifically entered into to aid the lawyer in obtaining the property; or a written assignment, signed by the client, conveying an interest in the funds or other property to another person or entity.

Therefore, when a lawyer receives funds from a settlement or judgment that are subject to a letter of protection that meets the requirements described in the Commentary—that is, the letter of protection is "directly related" to the funds or other property held by the lawyer and the lawyer undertook the "obligation specifically . . . to aid the lawyer in obtaining" the funds or property—the lawyer must segregate and safeguard the portion of the funds covered by the letter until any dispute concerning the obligation is resolved.

The Lawyer's Obligation upon Receiving Funds Subject to a Letter of Protection

When a lawyer receives funds, typically from a settlement or judgment, in which a third party has a cognizable interest under Rule 1.15, including such an interest arising from a letter of protection issued by the lawyer, the lawyer must promptly notify the third party. Rule 1.15(e).

The lawyer should take whatever reasonable steps are necessary to determine the amount(s) claimed by any and all third parties with a cognizable interest in the received funds, including those subject to any letters of protection issued by the lawyer. This information is vital in order to advise the client of any and all claims that must be paid from the proceeds of a settlement or judgment; the amount that must be held by the lawyer to pay those claims; and the exact amount of the "net proceeds" that will be disbursed to the client from the proceeds. In some situations, it will be appropriate for the lawyer to negotiate for reduction of the amounts owed to lien holders, healthcare providers with letters of protection, and/or other claimants with legal interests protected under the Rule. Such considerations dictate that the lawyer has an obligation to take reasonable measures to ascertain the amount of any claimed interest in the proceeds of the client's matter, and, in fact, must do so in order to determine the amount the lawyer is obligated to protect from disbursement until any conflicting claims are resolved.

When the "property" in which the client and one or more third parties assert an "interest" is monetary funds, any amount of those funds that is *not* subject to dispute must be disbursed to the client and the third parties. Rule 1.15 (f) ("The lawyer shall promptly distribute all portions of the property as to which the lawyer is able to identify the parties that have interests and as to which there are no competing interests."). The Rule does not require that the lawyer segregate and safeguard any portion of the funds beyond the amount(s) subject to dispute.

In rare instances, a provider to whom a lawyer has issued a letter of protection may fail to identify or substantiate the amount it claims under the letter or protection. Rule 1.15 does not impose

Image credit: krisanapong détraphiphat | Getty Images

an obligation on the lawyer to determine what payment is owed to the provider. However, in issuing the letter of protection, the lawyer assumed an obligation to protect the provider's fees for services to the client. The fact that the total amount of those fees is unclear does not extinguish the lawyer's obligation to honor the letter of protection or other valid interest. If the lawyer has information or documentation relevant to that determination, or could obtain such information from the client, the lawyer may be obligated to use such information in order to determine what portion of the funds must be segregated to meet the obligation the lawyer undertook in issuing the letter of protection.[3]

In the situation where the lawyer has information sufficient to calculate the monetary value of the services provided to the client under the letter or protection, the lawyer should communicate that information to the service provider to determine whether the provider agrees to that sum. If neither the client nor the provide disputes the amount, then that amount should be paid to the provider. If the client or the provider disputes the amount, then the lawyer should hold funds under the Rule in the amount the lawyer determined was subject to the letter or protection.

If the lawyer has insufficient information to make the necessary calculation, and the service provider to whom the lawyer issued the letter of protection has not specified the specific dollar amount of a claim, the lawyer may: (1) advise the provider that the failure to provide a dollar amount may result in the funds being distributed to the client; and (2) again request that the provider specify the amount claimed under the letter of protection. If, however, the provider does not respond, or otherwise fails to specify the amount claimed, within a reasonable time and the lawyer lacks information that would enable the lawyer to independently calculate a specific amount subject to the letter of protection, the Committee's view is that there is no "dispute" under the Rule about what may be owed to the provider, and the lawyer may disburse the funds directly to the client.

The comments to Rule 1.15 provide that: "a lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party." This is not to say that an attorney may never resolve a dispute. As the Committee has previously written: "It is important that the lawyer not decide who should receive the funds unless both the client and the physician (or other third party), have agreed that he may do so and the lawyer has determined that he can ethically do so under Rule 1.7 and other applicable rules." Connecticut Bar Association, Standing Committee on Professional Ethics, Informal Opinion 01-11, *Payment Dispute Between Client and Physician* (2001). Fixing the amount of the debt owed is simply one aspect of negotiating a resolution of conflicting claims to the funds or other property. If a negotiated resolution is not possible, the lawyer may be obligated to seek judicial determination of interests in the funds or other property by way of an interpleader action. Rule 1.15, Commentary ("[W]hen there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.").

Rule 1.15(g): When the Validity of the Interest Is Uncertain

There are some instances in which the lawyer may be uncertain about the validity of a third party's claimed interest. Subsection (g) of Rule 1.15 provides that when a lawyer has notice of a third party's claim:

> to funds held by the lawyer on behalf of a client, but it is unclear to the lawyer whether the third party has a valid interest within the meaning of this Rule, the lawyer may make a written request that the third party . . . provide the lawyer such reasonable information and/or documentation as needed to assist the lawyer in determining whether substantial grounds exist for the third party's claim to the funds. If the third party . . . fails to comply with such a request within sixty days, the lawyer may distribute the funds in question to the client.

Subsection (g) has been in effect since January 1, 2016. It is the Committee's understanding that in adding subsection (g) to Rule 1.15, the Rules Committee intended to relieve lawyers of the obligation to hold funds for an indefinite period when those funds were subject to the claim of a third party who could not substantiate the existence of a valid interest in the funds.[4]

If the lawyer makes a written request for information substantiating the validity of a claim to an interest in the funds or other property held by the lawyer, and does not receive substantiation within 60 days of making such a request, the lawyer may, pursuant to subsection (g), distribute the funds or other property to the client, and may do so without fear of being in violation of the Rule.

In such a situation, the lawyer should, however, advise the client that while the lawyer is not required to hold the funds or other property for longer that the 60 day waiting period, this does not mean that the client's obligation to the claimant, if any, is extinguished, and the client may still be responsible for payment of any valid obligation.

NOTES

[1] Notably, in 2015, the Rules Committee approved and adopted an amendment of Rule 1.15(f) that changed the requirement that a lawyer "keep separate" property in which two or more persons "*claim* interests" to a requirement that a lawyer "keep separate" property in which two or more persons "*have* interests" (emphasis added). The amendment went into effect January 1, 2016.

[2] In its consideration of the reach of Rule 1.15, the Committee noted that Rule 1.15 must be construed so as to protect a client's due process rights, and therefore should not be interpreted as permitting "an unconstitutional deprivation of the client's property by seizing it for an indefinite period without any provision for a judicial determination of the claimed 'interest.'" Informal Opinion 95-20.

[3] The request asked us to assume that a healthcare provider's computer billing system had been compromised so that the client's medical bills were no longer within that computer's database. However, this fact alone does not preclude the healthcare provider from using other means to establish the amount of a claimed interest by, for instance, using the client's medical records and the provider's customary billing rates to determine the amount of the claim.

[4] Subsection (g) is triggered when the lawyer has a concern about the *validity* of a claimed interest. It is not triggered where there is a valid interest, such as a letter of protection, and it is only *the amount* of the debt that is uncertain.

Informal Opinion 25-4

Duty to Report Professional Misconduct

The requestors are lawyers who work at a state agency. They seek guidance from the Committee as to their professional obligations in light of certain conduct by the chair of a public regulatory authority, including whether they have a duty to report such conduct. The chair is not a licensed attorney in Connecticut but is a member of the bar of another state. The conduct at issue consists of several communications by the chair in the context of discussions of a draft legislative proposal among multiple state government bodies, communications that the requestors allege constituted improper ex parte communications concerning a matter pending before the public authority. For the reasons set forth below, the Committee concludes that no duty exists under the Rules of Professional Conduct to report the chair's conduct. Furthermore, because the requestors by their own account did not engage substantively with the chair's communications upon learning of the latter's connection to the pending proceeding, there is no need to analyze whether doing otherwise would have violated any Rules.

Rule 8.3(a) provides, in pertinent part: "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority." Thus the analysis under this section proceeds in two parts: first, a lawyer must know that another lawyer has violated one or more rules; second, if so, it must be determined whether the violation is significant enough to "raise[ ] a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." *See* Connecticut Bar Association, Standing Committee on Professional Ethics, Informal Opinion 2013-05, *Duty to Report Suspected Misconduct.*

As a threshold matter, it is clear that the chair is "another lawyer" within the meaning of the Rule despite neither being licensed in Connecticut nor (apparently) actively engaged in the practice of law, at least in the context of the request. "Misconduct by a suspended, out-of-state, or nonpracticing lawyer is treated as misconduct by 'another lawyer' for reporting purposes." Ellen J. Bennett, Helen W. Gunnarsson and Nancy G. Kisicki, *Annotated Model Rules of Professional Conduct* (10th ed. 2023).

Rule 3.5, titled "Impartiality and Decorum," addresses ex parte communications by lawyers in the context of proceedings before tribunals.[1] Section 1 provides that a lawyer shall not "[s]eek to influence a judge, juror, prospective juror or other official by means prohibited by law." Section 2 provides that a lawyer shall not "communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order."

The communications at issue here fall well outside the ambit of this Rule. Rule 3.5 addresses a lawyer's professional obligation as an advocate, not as a member of a tribunal—which was the chair's role in the underlying declaratory ruling proceeding. The chair's communications concerning draft legislation with representatives of government bodies, at least one of which was a party to that proceeding, were not—indeed, and by definition could not have been—communications with or attempts to influence the tribunal. Rather, they were communications *by a member of the tribunal itself.* To whatever extent the chair's communications were intended to advance legislation that would have impacted the pending proceeding, as the requestors insinuate, is of no moment. Those communications if anything implicate the chair's responsibilities as an adjudicator, not their obligations as a lawyer under the Rules of Professional Conduct.[2]

The requestors nevertheless cite Connecticut statutes and agency regulations that prohibit members of state agencies from communicating ex parte with persons or parties concerning pending contested cases unless all parties are provided notice and an opportunity to participate. The requestors concede that inasmuch as the matter pending here was not a contested case proceeding but rather a declaratory ruling proceeding, these provisions do not apply. Yet they point to the public authority's notice of proceeding in the matter, which stated that "even though this is an uncontested matter, the Authority strictly observes... [the prohibition against] ex parte communication."

Even assuming the chair's communications at issue violate that assurance, they would not amount to a violation of the Rules of Professional Conduct. The only ostensibly applicable provision is Rule 8.4, "Misconduct." Pursuant to that Rule, it constitutes professional misconduct for a lawyer to engage in "conduct involving dishonesty, fraud, deceit or misrepresentation" (Section 3) or "conduct that is prejudicial to the administration of justice" (Section 4). Notwithstanding the breadth of those provisions, the chair's conduct as reported here does not rise to the level of violating Rule 8.4. There is no suggestion that the chair's communications at issue were somehow deceitful or involved misrepresentations. Nor is the chair's participation in efforts to craft a legislative proposal—even if it were intended to affect the outcome of a matter pending before the public authority—somehow prejudicial to the administration of justice. The potential legislation that was the subject of the chair's comments would have had to be enacted through a public process, during which any affected party, including the parties to the declaratory ruling proceeding, would have had an opportunity to express their positions to the appropriate legislative committee. Moreover, even if the chair's conduct were deemed to violate Rule 8.4, such conduct was not sufficiently egregious to "raise[ ] a substantial question" as to the chair's "honesty, trustworthiness or fitness as a lawyer" so as to trigger the requestors' reporting obligation under Rule 8.3. See Rule 8.3, Commentary ("This Rule limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying *Continued on page 28 →*

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1:45 p.m. - 2:00 p.m.

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2:00 p.m. - 3:30 p.m.

Session C Seminars

Get prepared to branch out on your own in C07 - How to Start a Solo Law Practice.

3:30 p.m. - 3:45 p.m.

Break

Recharge during the final break of the day with snacks to keep your energy up for the home stretch!

3:45 p.m. - 5:15 p.m.

Session D Seminars

Rediscover tried-and-true promotion tactics in D07 – Back to the Future of Law: Why 1950s Marketing is the Only Way to survive an AI World.

5:15 p.m. - 8:00 p.m.

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Book Review

Born Equal: Remaking America's Constitution, 1840-1920

By Akhil Reed Amar, Basic Books, 2025

By HON. HENRY S. COHN

In his new book, Yale Law School professor Ahkil Reed Amar seeks to explain how Thomas Jefferson's 1776 phrase "all men are created equal" in the Declaration of Independence became the law of the land. While Jefferson's phrase was not fully inclusive and was merely aspirational, Amar demonstrates that enactment of the Reconstruction Amendments—the 13th, 14th, and 15 Amendments—as well as the 17th and 19th, made equality a central feature of the Constitution.

Amar begins by asserting that the pre-amendment Constitution was controversial from its inception because it had provisions that favored slavery, such as its Three-Fifths Clause and its Fugitive Slave Clause. Debate raged throughout the pre-Civil War period as groups such as the abolitionists sought to eliminate the pro-slavery provisions and the federal statutes enacted thereunder.

Things began to unravel with U.S. territory obtained in the Mexican War and the admission of California to the Union in 1848. Senator Stephen Douglas of Illinois advanced his career, with some success, by arguing that each state, through the doctrine of "popular sovereignty," could determine whether it would accept or ban slavery. And then, as Lincoln said in his Second Inaugural Address, "the war came."

Cautiously, Lincoln had conceded to the South in his First Inaugural Address in 1860, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists." But the South rejected this (foolishly, says Amar, as the South would have gained quite a bit from the militarily stronger North) and instead, after Lincoln was elected, seven states seceded. Four others joined them after the South fired on Fort Sumter, and the war began.

Pushed by such figures as the Black orator Frederick Douglass, *Uncle Tom's Cabin* author Harriet Beecher Stowe, journalist Horace Greeley, and U.S. Senator Charles Sumner, Lincoln by 1862 had become willing to abolish slavery completely. On September 22, 1862, he issued the Preliminary Emancipation Proclamation, which stated that on January 1, 1863 all persons held as slaves in any state in rebellion would become "forever free."

On January 1, 1863, the Confederate states were still in rebellion, and Lincoln issued his Emancipation Proclamation. From 1863 until 1865, Lincoln lobbied both houses of Congress to pass a constitutional amendment that would not only free slaves domiciled in states in rebellion, but would ban slavery throughout the nation. This became the 13th Amendment, Congress having passed it two months before Lincoln was assassinated. It was then adopted by the required three-fourths of the states and ratified on December 18, 1865.

The "Radical Republicans" in Congress passed civil rights legislation, which President Andrew Johnson vetoed, leading them to adopt what became the 14th and 15th Amendments. Section 1 of the 14th Amendment repealed Chief Justice Roger Taney's holding in *Dred Scott v. Sandford*,[1] that Black persons could never be citizens of the United States. The Amendment made all persons born or naturalized in the country citizens.

The 14th amendment also required the states to provide due process of law before depriving any person of life, liberty, or property, as the 5th Amendment to the constitution already required of the federal government. This overruled *Barron v. Baltimore*,[2] which had held that the Bill of Rights, including the 5th Amendment's Due Process Clause, did not apply to state governments.

Violence against Black men after the Civil War prevented them from voting. In 1870, the 15th Amendment prohibited denying the right to vote based on race, color, or previous condition of servitude. The 13th, 14th, and 15th Amendments have final clauses granting Congress the "power to enforce, by appropriate legislation, the provisions" of each amendment.

Amar points out that the trauma of the Civil War that led to the passage of these historic amendments was also a backdrop for the passage of the 17th and 19th Amendments.

In 1913, as war was soon to commence, the Progressive movement that existed at the time helped ensure the 17th Amendment's passage. The 17th Amendment provided for the people of each state to elect their U.S. senators, replacing Article I, section 3 of the Constitution, which provided for each state's legislature to elect the state's U.S. senators.

The 19th Amendment, adopted in 1920, provides that the right to vote may not be denied or abridged by the United States or by any state on the basis of sex. While extending voting rights for women was its exclusive purpose, the change in law is viewed by scholars, including Amar, as the beginning of the women's rights movement.

Amar lists the reasons for the favorable outcome in this struggle for women's voting rights:

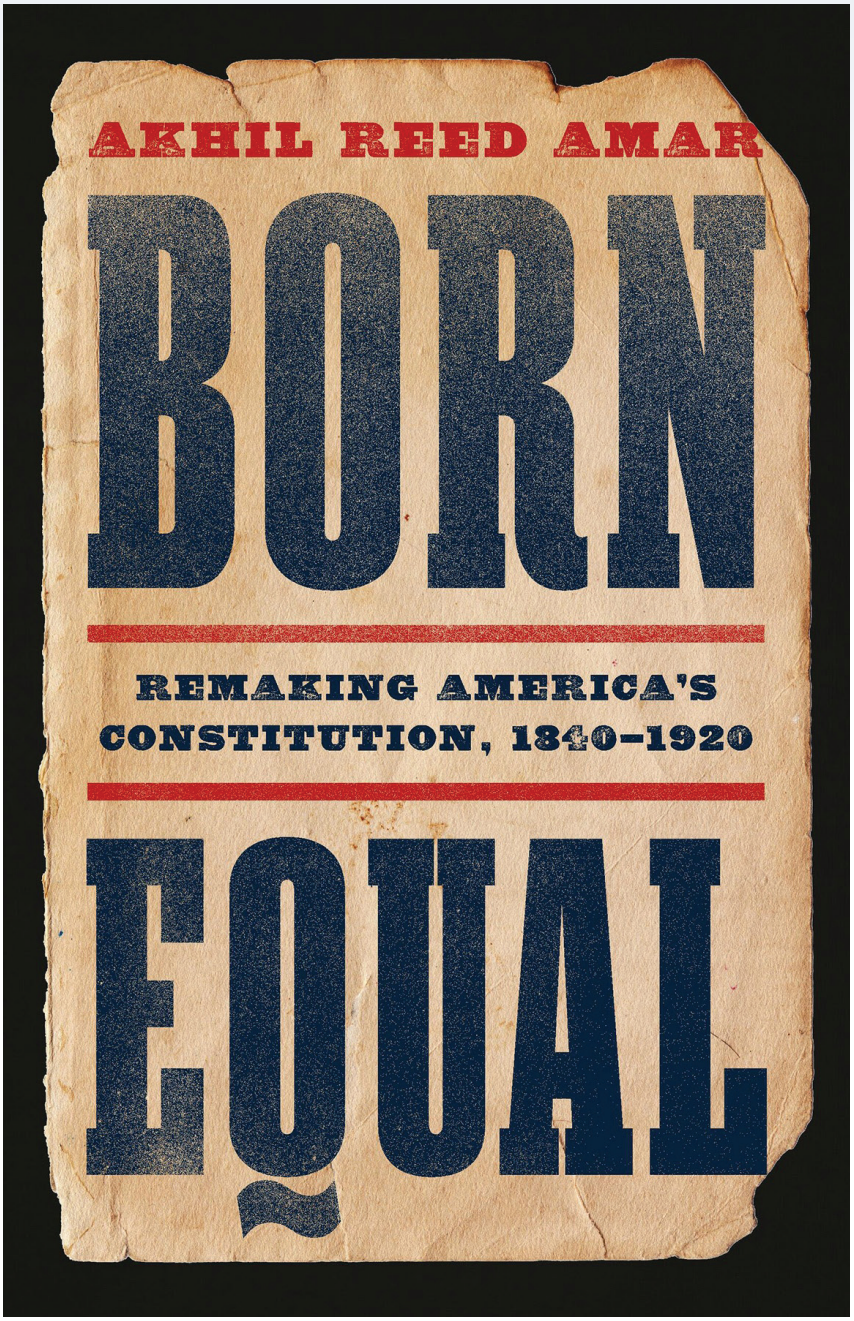
1. Medical advances regarding the health of women and a decline in fetal mortality.
2. The ability of women to devote time to endeavors other than that of raising a family.
3. Better educational opportunities for women, and increased literacy.
4. State legislatures had already passed laws providing for women's suffrage in western states, including Wyoming, Colorado, Idaho, and Utah. The legislative rationale was to attract women to settle outside of the more comfortable eastern states.
5. States copied their neighboring states that allowed women to vote.
6. Marriage reform, such as the married women's property acts, adopted in the states,[3] ended male domination of women's finances. The availability of divorce also contributed to women's equality.
7. Ballot reform, including secret ballots. Amar adds that women's candidate choices were "free from the prying eyes of the public—or of a spouse for that matter."
8. Women found freedom in mobilizing support for their favored candidates.
9. Tennessee's ratification by one vote in its House was enough to put the 19th Amendment on the books. Connecticut's vote, coming immediately after three-fourths of the states approved, guaranteed that challenges to the adoption of the 19th Amendment would not succeed. A wonderful book, Elaine Weiss's *The Women's Hour: The Great Fight to Win the Vote*, traces this history.

From the time of the Civil War to after World War I, Amar concludes, our nation's leaders were committed to equality instead of the discrimination that prevailed at the founding of the country.

Amar explains in a postscript that whenever he writes, he enjoys "zigzagging." The book thus presses ahead with his main theory on the struggle to ensure equality through amendments to the Constitution while digressing occasionally to provide the reader with side details. The feel of the book is one of a professor lecturing to his class.

For example, we learn about Amar's heroes in the fight for equality. These include:

1. John Quincy Adams, the sixth president of the United States, and later a member of Congress, known as "Old Man



Eloquent." He opposed slavery and led to the repeal of the gag rule on those who spoke against slavery, which had been imposed by House leadership.
2. Frederick Douglass, a former slave, who became an anti-slavery activist. He met with Lincoln three times. *Measuring the Man*, edited by Lucas Morel and Jonathan White, collects Douglass's letters to Lincoln as well as articles and speeches by Douglass mentioning Lincoln. While Douglass at first disagreed with Lincoln's caution in abolishing slavery, after the assassination, Douglass's writings contributed to the favorable view of Lincoln as the Great Emancipator, which still prevails today.
3. Harriet Beecher Stowe, who wrote *Uncle Tom's Cabin*, the most important anti-slavery book of all time. She, like Frederick Douglass, visited Lincoln to press her case for abolition.
4. Henry Stanton, an abolitionist, and his wife Elizabeth Cady Stanton, promoter of the 19th Amendment.
5. John Bingham, a Congressman from Ohio, who was an abolitionist before the Civil War, and was a devotee of Lincoln. He was the key drafter of the 14th Amendment. *The Original Meaning of the 14th Amendment*, by Randy Barnett and Evan Bernick, traces his legislative actions.
6. And, of course, Abraham Lincoln. The former humble rail-splitter had the political skills to end slavery.

Amar also draws on his significant knowledge of constitutional law in discussing several points. He focuses on the word "equality." What does the word mean to various politicians during the 19th and early 20th centuries?

He shows how Lincoln, while not initially adopting a more liberal meaning of the word, gradually changed his view (see # 8 below).

He lists ten possible meanings of the word "equality":
1. Stephen Douglas's meaning from the Lincoln-Douglas debates that "all men are not created equal."
2. Everyone is equal in God's eyes.
3. People are equal under natural law.
4. People were not born to lord over others.
5. Again a Stephen Douglas statement: one country is equal to another.
6. All whites are equal to one another. This is the Chief Justice Taney approach found in *Dred Scott*.
7. All people are entitled to equality in life, liberty, and the pursuit of happiness, according to the Declaration of Independence, but not civil rights, such as the right to vote. Lincoln adopted this view in the 1850s.
8. A civil rights reading that all are equal, later adopted by Lincoln. Thus, he later approved of Black citizenship.
9. Official sex- and color-blindness for government purposes. This definition of equality is a 21st century view.
10. Each person should have equal opportunity and, where needed, the assistance of the government. This is close to a New Deal view of the 1930s.

Amar next answers why the 13th Amendment was adopted by the post-Civil War Congress to supplant the Emancipation Proclamation:
1. The Proclamation did not ban slavery throughout the country. Four slave states—Maryland, Delaware, Kentucky and Missouri—had not seceded, and, in some locations, such as Tennessee and parts of Louisiana, Union forces had subdued the rebellion before the Emancipation Proclamation was issued. The Proclamation freed the slaves only in the states in rebellion.
2. It did not apply in West Virginia, which had joined the Union six months after the issuance of the Proclamation. West Virginia was not in rebellion.
3. The constitutionality of the Emancipation Proclamation could be challenged.
4. The last clause of the 13th Amendment authorized Congress to enact legislation to enforce it.
5. Amar also lists cases in which the Supreme Court initially misconstrued the Reconstruction Amendments, although it reversed them later. One such case was *Plessy v. Ferguson*,[4] reversed in *Brown v. Board of Education*.[5]

Amar, in this book and interviews about it, has also stressed the word "Born" in the title. Congressman Bingham and the Republicans were not interested in providing citizens with a meaningless, "empty honorific" in the post-civil rights Amendments; rather, the rights provided in the Amendments were coupled with "more sweeping birth-equality language." And it is personal for Amar: in an interview with Jeffrey Rosen of the National Constitution Center, he explained that he holds birthright citizenship himself, because his India-born parents were not U.S. citizens when he was born here.

Amar writes, in the postscript, that this book project was enjoyable for him. He relates to his heroes, often calling them by their first names, such as Frederick, Harriet, or Elizabeth. He marvels that his heroes have often achieved their goals of providing for a more equal society in this country. Anyone who has studied with or met Amar is struck with his energetic style, of which this book is a vivid example.

Henry S. Cohn is a Judge Trial Referee in New Britain, CT.

NOTES

[1] 60 U.S. 393 (1857).

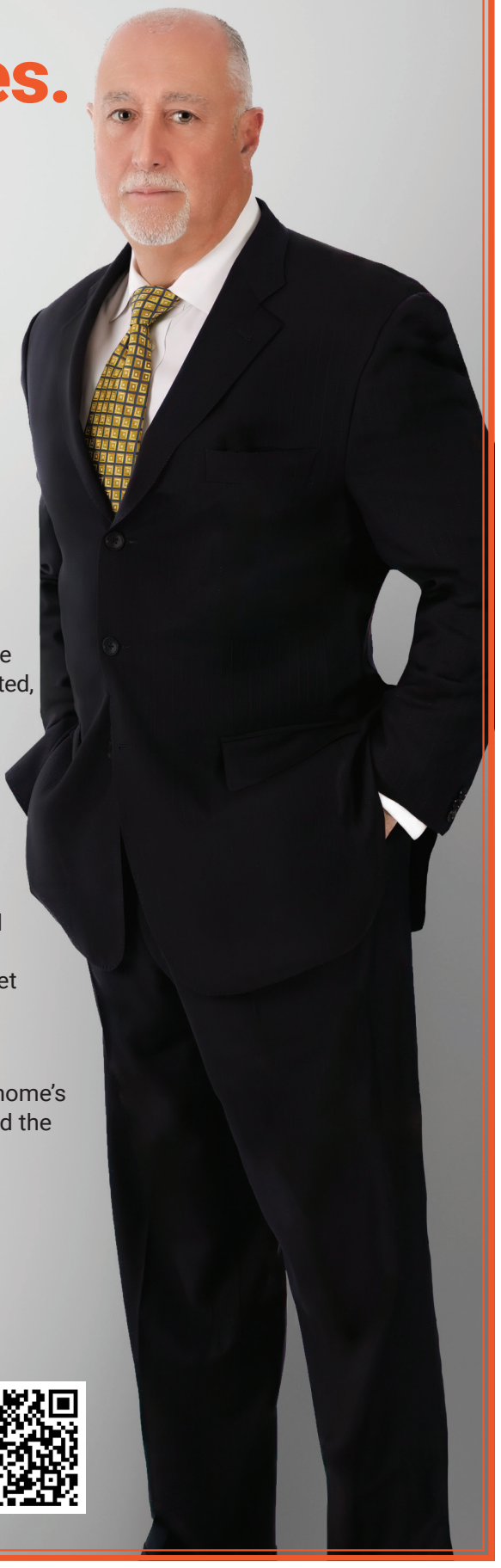
[2] 32 U.S. 243 (1833).

[3] Connecticut's Married Women's Property Act of 1877 is now gender-neutral, and codified at Gen. Stat. §46b-36.

[4] 163 U.S. 537 (1898) ("separate but equal").

[5] 347 U.S. 483 (1954).

Fighting for Families. Fighting Nursing Home Abuse.



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Now, I use that experience to take on nursing homes that betray our most vulnerable—our parents, our grandparents, the family members who raised us, who held us together, who were once the strongest among us. When they are neglected, abused, or mistreated, it's not just an attack on them—it's an attack on the entire family.

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Justitia's Blindfold

By JUSTICE RICHARD A. ROBINSON (RET.)

Not too long ago, I was instructed that I needed to submit my draft for the DEI column in this edition of *CT Lawyer* by today. I was confident I would meet that deadline. Afterall, I had already been thinking about what I wanted to write and, in fact, had a rough draft prepared, and then last week happened.

Last week, the United States Supreme Court released its opinion in *Louisiana v. Callais*, 608 U.S. __ (2026). To some, the opinion is simply a legal decision. To others, it represents a significant political victory or defeat. For me, while I have not yet been able to bring into sharp focus precisely what it means to me on a personal level, I do know that something deeply important to who I am, and to who we are as a nation, has happened. I have been perseverating on it from the moment I learned of its release.

I approach this topic with hesitation, knowing that it may prompt some to view it as political. Yet I am reminded of the thoughtful words shared with me by former Chief Justice of the Washington Supreme Court, Steven C. González: "Just because something has been politicized does not mean it is political." With that perspective in mind, I feel this issue is too important to leave unaddressed.

"May you live in interesting times!" The phrase is often assumed to reflect some ancient wisdom, but it appears instead to have been coined in the twentieth century and later popularized by a 1966 speech by Robert F. Kennedy, who described it as a "Chinese curse." Regardless of its origin, and whether or not one believes it to be a curse, or a challenge, we are undeniably living in interesting times. Interesting times are rarely calm; they are often times of instability, uncertainty, and anxiety, feelings that many of us are experiencing today.

Kennedy's Day of Affirmation speech also directly addressed the enduring consequences of America's troubled racial history. The passage that resonates most with me is this: "We have passed laws prohibiting discrimination in education, in employment, in housing; but these laws alone cannot overcome the heritage of centuries of broken families, stunted children, and poverty and degradation and pain."[1]

Laws are important, but they have their limitations. The truth of that limitation echoes in the words of another voice that has shaped my understanding of justice: Reverend Dr. Martin Luther King, Jr., who once said, "While it may be true that morality cannot be legislated, behavior can be regulated. It may be true that the law cannot change the heart but it can restrain the heartless. It may be true that the law cannot make a man love me but it can keep him from lynching me, and I think that is pretty important also."[2] Dr. King's speech was made before the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the legislation that had arguably ended one hundred years of Jim Crow.

Ratified in 1870, the Fifteenth Amendment articulated a constitutional principle that the right to vote could not be denied by either the federal government or the states on the basis of race or prior enslavement. It further empowered Congress to enforce that guarantee through legislation. The Amendment established a clear legal commitment to equal political participation, while implicitly acknowledging that the realization of that commitment would depend on sustained legislative and institutional resolve. What it secured as doctrine, it left vulnerable in practice.

It was not until nearly a century later, with the passage of the Voting Rights Act of 1965, that the promise of the Fifteenth Amendment began to be meaningfully realized for Black people in this nation. Perhaps because I am Black, and because the Civil Rights Act of 1964 and the Voting Rights Act of 1965 were enacted during my lifetime, these laws do not feel to me like distant artifacts of American history. They are part of my lived reality. I cannot consider this legislation in isolation, separate from what preceded it or from what continues to unfold today.

Some point to the Civil Rights Act of 1964, the Voting Rights Act of 1965, or the election of Barack Obama as the nation's first Black president as evidence that America has entered a "post-racial" period. They argue that the laws which once advanced justice for all are now unnecessary, and even claim these laws are

Image credit: Photo by Mike Kline (notkalvin) | Getty Images

causing unintended racially related consequences for other groups. This perspective has fueled calls for Universal Color Blindness. The belief that true equality requires the law to ignore race entirely.

The consequences of this approach are evident in France, which has long adhered to a universalist model of citizenship. By treating all residents as simply "French" and declining to recognize or collect data on race, the state seeks to promote formal equality grounded in Enlightenment ideals.[3] In practice, however, this commitment to color blindness has masked persistent disparities and hindered the ability to identify, measure, and remedy discrimination.

However, using alternative methods, such as analyzing parental nationality, has documented substantial earnings penalties for racial minorities, especially for individuals of Middle Eastern, North African, and Sub-Saharan African origin. These groups face significant gaps in income and social mobility compared to the majority population.

Additionally, the lack of official recognition of race means that anti-discrimination laws are often ineffective because they lack the necessary data to target and remedy systemic inequities. The universalist model, while intended to promote equality, often results in the invisibility of minority experiences and the entrenchment of existing inequalities.[4]

Justitia, our symbol of justice, wears a blindfold; however, that blindfold should not prevent her from seeing, and doing what is just. France's experience demonstrates that ignoring race in law and policy does not erase ongoing discrimination, nor the consequences of history or the realities of the past and its effects on the present. Instead, it can make it harder to identify and address the very inequities that color-blindness claims to transcend.

The sentiment "I don't see color" is often invoked to express a desire for fairness and impartiality. Yet in a society where race has long shaped law, policy, and access to power, colorblindness can obscure more than it reveals. When law adopts that posture uncritically, it risks treating race as an abstract classification rather than as a lived and legally consequential reality—one that continues to shape representation, political participation, and whose voices are heard. In that sense, professed colorblindness may reflect aspiration, but it does not supply a doctrine capable of addressing the world as it exists.

Race-based gerrymandering that dilutes the voting strength of Black communities is not confined to the past. Redistricting practices, access to the ballot, and political representation in the United States have long intersected with race, and those dynamics continue to shape electoral outcomes.

While the United States is not France, the *Callais* decision feels like a step toward a similar legal posture. One that requires the law to look away from race and its real word consequences, even when reality tells us it should not. I would love to live in a truly colorblind world. However, I do not want to live in one that merely claims colorblindness, while leaving those of us who bear its real world consequences to navigate them alone. ▯

Justice Richard A. Robinson, retired Chief Justice of the Connecticut Supreme Court, has over two decades of judicial experience, including appointments to the Appellate and Supreme Courts, and is currently a partner at Day Pitney LLP.

NOTES

[1] Day Of Affirmation Address - Robert & Ethel Kennedy Human Rights Center https://kennedyhumanrights.org/speech/day-of-affirmation-address/

[2] Western Michigan University, December 18, 1963

[3] Enlightenment ideals emphasize reason, universal citizenship, individual liberty, secular governance, and formal equality before the law. See *generally* Encyclopedia Britannica, *Enlightenment* (describing core political and philosophical principles of the Enlightenment).

[4] The Illusion of French Inclusion: The Constitutional Stratification of French Ethnic Minorities https://www.law.georgetown.edu/mcrp-journal/wp-content/uploads/sites/22/2019/12/GT-GCRP190031.pdf

The Mommy Track

By PAIGE M. VAILLANCOURT

Paige M. Vaillancourt *is a partner at Rescia Vaillancourt, P.C. with offices in Connecticut and Massachusetts and an adjunct professor at Western New England University School of Law. Her practice involves a variety of bankruptcy matters, including debtor and creditor representation, workouts, and trustee litigation, as well as small business representation.*

There exists in our profession a separate and exclusive "Mommy Track." A special penalty for becoming a mother. One that says you can't be a mother *and* be an asset to a firm. And I say "mother" because a survey conducted by the American Bar Association in 2023 revealed that there are still significant gender disparities in pay, perception, and promotion—disparities that have "remained virtually unchanged for the last 25 years."[1] Implicit bias and assumptions about a mother's dedication to the job lead to the Mommy Track, which has lasting career impacts. "For instance, a mother is given a less demanding case because of the assumption that she doesn't have the bandwidth to do a good job and be a mother at the same time. That can equate to a woman's lost experience."[2] A sociology professor observed, "Employers think that they are supporting new mothers by putting them on a mommy track when, in fact, a lot of the women lawyers I've spoken with didn't want to be tracked that way. . . . I think a lot of women think they will escape that bias by working for themselves or in a smaller firm, but that just contributes to lower pay as well."[3]

The numbers of the survey support these observations. More than (and in some cases much more than) double the percentage of women in law firms experienced demeaning comments about being a parent; felt they were perceived as less committed or less competent; lacked access to business development opportunities, sponsors, or mentors; were not asked to work on important matters or to take on matters requiring travel; or simply had colleagues tell them to stay home or put their career on hold.[4] Higher percentages of mothers were also denied a salary increase or bonus and denied or passed over for advancement or promotion.[5] Mothers are also more than twice as likely to feel like having children negatively impacted their career and are more likely to feel guilty about working full time or postponed having a child because of career concerns.[6] Conversely, a substantially higher percentage of fathers feel like having a child positively impacted their career.[7] There even exists a "fatherhood bonus," where compensation typically increases after having children.[8] Women overall, mother or not, felt their income was not indicative of their experience and education.[9] For example, less than forty percent of mothers of dependent children earned between $200,000 and $299,999 compared to over sixty percent of fathers of dependent children.[10] This gap widens among parents of adult children where over triple the percentage of fathers earn that amount compared to mothers.[11] Mothers were also significantly more likely to work at small or solo firms than at large firms.[12]

> ***"Implicit bias and assumptions about a mother's dedication to the job lead to the Mommy Track, which has lasting career impacts."***

Balancing the mental and physical load as a working mother is a herculean task. Substantially greater percentages of mothers are solely responsible for childcare and household duties, such as arranging childcare and medical care, caring for the child during the day or evening hours, leaving work early for a child's needs, helping with homework, attending extracurriculars, and cooking.[13] Unsurprisingly, mothers are much more likely to experience burnout or feel overwhelmed, stressed, or like their day never ends.[14] More than twice the percent-

age of fathers in firms, on the other hand, feel like they're doing a good job maintaining a work-life balance.[15] Mothers reported that they would be likely to leave a firm due in order to improve work-life balance or to spend more time with their children.[16]

So, what can firms actually do to retain talent and keep their bottom line happy? Seramount is a company that tracks this in law firms with 50 or more lawyers.[17] Top firms offer solutions such as equal parental leave, robust healthcare benefits, childcare benefits, emergency childcare services, flexible work arrangements and work from home policies, part-time partner options, blind associate work allocation to reduce bias, succession planning and onboarding for leave, supportive communities and programming, or one, an international New York-based firm even, shockingly, had no billable hour requirements.[18] "Winning firms have cultures that encourage this notion of shared childcare responsibilities because very often those are the derailing years for women. . . . When turnover is disproportionately in a category that is 50 percent of the population, it's a matter of being able to retain them once they come into your firm, which benefits the bottom line of your business."[19] Thankfully, Seramount has seen a shift toward family-friendly policies in law firms.[20]

I hope Connecticut contributes to that shift.

NOTES

[1] Stephanie A. Scharf, Roberta D. Liebenberg, and Paulette Brown, *Legal Careers of Parents and Child Caregivers: Results and Best Practiced from a National Study of the Legal Profession*, ABA Commission on Women in the Profession 3 (2023), https://www.americanbar.org/content/dam/aba/administrative/women/2023/parenthood-report-2023.pdf (hereinafter *Parenthood Report*).

[2] Kristy P. Kennedy, *Motherhood Comes at a Price: Findings in Parenthood Report Mirror National Workforce Trends*, ABA Commission on Women in the Profession: Perspectives (May 1, 2024), https://www.americanbar.org/groups/diversity/women/publications/perspectives/2024/may/motherhood-comes-price-findings-parenthood-report-mirror-national-workforce-trends/ (hereinafter *Motherhood Comes at a Price*).

[3] *Id.* (internal quotations omitted). Michelle J. Budig is a professor of sociology at UMass Amherst and has testified in front of Congress on workplace discrimination against women.

[4] *Parenthood Report*, supra note 1, at 6–7.

[5] *Id.* at 6.

[6] *Id.* at 7.

[7] *Id.*

[8] *Id.* at 3.

[9] *Id.* at 10.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.* at 7.

[14] *Id.* at 8.

[15] *Id.*

[16] *Id.*

[17] *Motherhood Comes at a Price*, supra note 2.

[18] *Id.*

[19] *Id.* (internal quotations omitted).

[20] *Id.*

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phenomenal" and that their advocacy was often comparable to that of experienced attorneys.

Weston High School ultimately won the state championship and will go on to represent Connecticut at the National High School Mock Trial Competition in May. For the team, the victory represents both a significant achievement and an opportunity to compete on a larger stage. As Weston High School's Cavan Morvillo shared, "Being able to represent Connecticut on the national stage is an honor we do not take lightly… We want to make our school and state proud."

The Connecticut Bar Association's Mock Trial Program continues to play a vital role in advancing civics education by giving students hands-on experience with the judicial system. Through months of preparation and competition, participants gain not only a deeper understanding of the law, but also lifelong skills that will serve them in future academic and professional pursuits.

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with the provisions of this Rule.")

Finally, the request indicates that, upon learning of the connection between the chair's communications and the pending proceeding, the requestors did not, and in at least one instance declined expressly, to engage substantively with those communications. Whether doing otherwise would have violated Rule 3.5 is unclear. The Rule prohibits ex parte communications "during the proceeding." Although the communications at issue clearly occurred during the proceeding as a temporal matter, they occurred in the entirely separate context of discussions over a draft legislative proposal, discussions which involved the pending proceeding only indirectly. Whether responding substantively to the chair's communications concerning the proposed legislation would have amounted to prohibited ex parte communications with a member of the tribunal concerning the pending proceeding is an issue we need not and thus do not address.

Accordingly, the Committee concludes that Rule 8.3 imposes no obligation to report the conduct at issue, and that nothing in the request suggests that the requestors themselves violated any of the Rules of Professional Conduct. However, this opinion includes no consideration of whether the conduct at issue implicates any other code of conduct, statutory provision, or other potentially applicable ethical rules. ▯

NOTES

[1] Notably, the Model Rule on which Connecticut Rule 3.5 is based is titled "Impartiality and Decorum *of the Tribunal*" (emphasis added). But the language of the two rules is identical except for Section 4 of the Connecticut rule and the corresponding Section (d) of the Model Rule. The former prohibits lawyers from engaging in "conduct intended to disrupt a tribunal *or ancillary proceedings such as depositions and mediations*" (emphasis added), whereas the italicized language does not appear in the Model Rule. The omission of the words "of the Tribunal" from the title of the Connecticut rule appears to be an effort to accommodate that addition.

[2] The chair is not subject to the Code of Judicial Conduct, notwithstanding their adjudicatory role. See Code of Judicial Conduct, Application, § I

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