

Volume 35 | Number 2

November | December 2024

CT

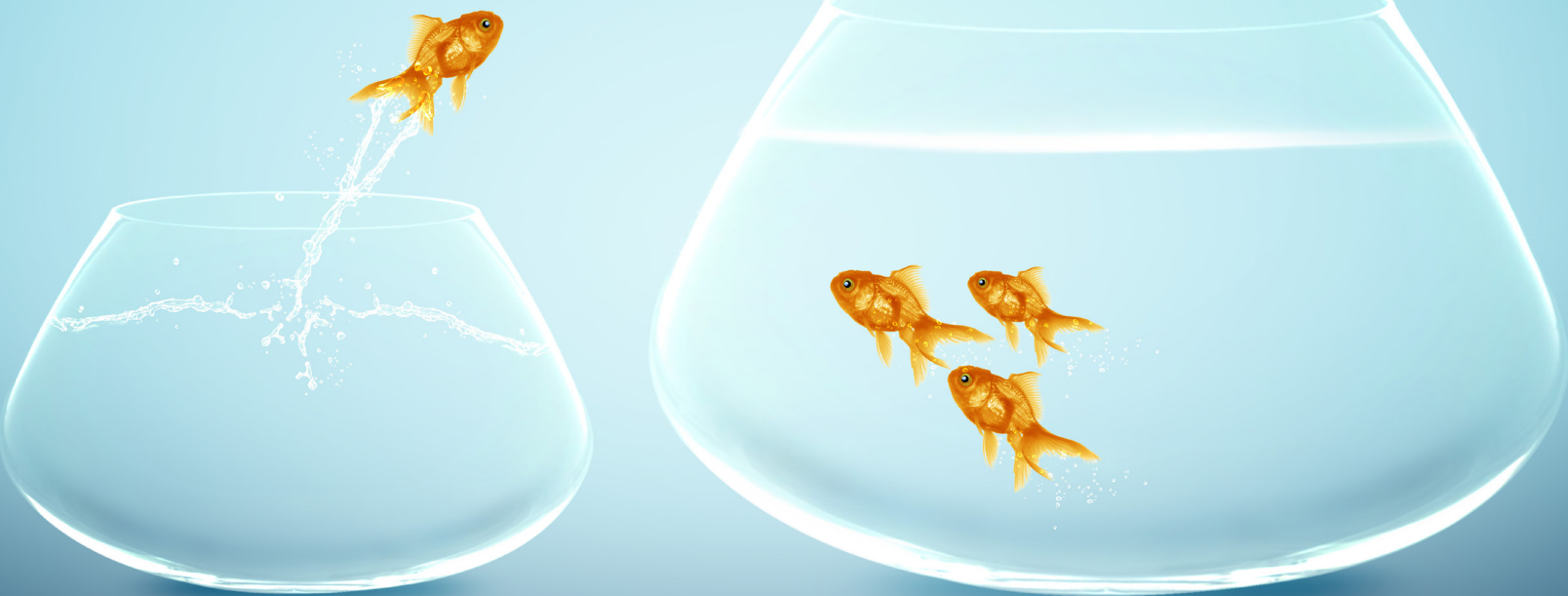
LAWYER

Introducing vLex Fastcase

**Your Online, Free Legal
Research Tool**



MAKE THE SWITCH



Although Kronholm Insurance Services has a long history of experience in the insurance industry, we adamantly refuse to become complacent. We constantly strive to gain further expertise and to deliver products and services with maximum quality, flexibility and efficiency. That is why we have chosen to partner with Attorney Protective.

The Attorney Protective program offers innovative legal malpractice coverage with unrivaled risk management resources and expertise. They understand that in today's complex legal environment, knowledge is power.

To demonstrate just one of the many reasons you should join the Attorney Protective team, we would like to extend an opportunity to attend a

FREE Attorney Protective CLE webinar.

We believe that Attorney Protective is the option you'll want.

Easy to register. Easy to attend. Visit www.attorneyprotective.com/webinar



SCAN ME

WE ARE HERE TO HELP CONNECTICUT LAWYERS.

Contact Kronholm Insurance to protect your practice.

Call John Kronholm at **(860) 665-8463** or jkronholm@bbofct.com
or Dan Flynn at **(860) 665-8426** or dflynn@bbofct.com

Scan to learn more about our offerings and services.

attorneyprotective.com

Take Advantage of Everything Your Membership Has to Offer with **CBA Member Benefits**



Financial

Bank of America Merchant Services
Citizens Bank
LawPay (Credit Card Processing)

Insurance & Retirement Programs

ABA Retirement Programs
Kronholm Insurance Services
Tzedakah House – Insurance

Business Services

ABC Language Services
Books for Bars
Infoshred LLC
Interpreters and Translators, Inc. (iTi)
Office Depot
Ruby® Receptionists
Paychex
United Postal Service

Marketing

Barker Specialty Company
Razz - M – Tazz
USAttorneys/Digital Age Marketing Group

Research & Education

Post University
Tracers
University of Hartford
vLex Fastcase (Free Online Legal Research)

Software

Caseroads
Clio
CosmoLex
LEAP
MyCase
PracticePanther
SwiftScan

Technology

Assured Enterprises
AXEL
Intrado/West Unified Communications
Janco Business Systems
Omnizant
Red Cave Law Firm Consulting
Smith.ai
We Care Computers

Travel & Lesiure

Avis/Budget
Brooks Brothers
Hotel Engine
New York Yankees Tickets
Orlando Employee Discounts
Park N Fly
TPC River Highlands



Use the **QR Code** or Visit **ctbar.org/MemberBenefits** to
Easily Access Your Member Benefits and Start Saving Today!

LAWPAY[®]

AN AFFINIPAY SOLUTION

+

*Connecticut
Bar Association*

Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

**PAYMENT
RECEIVED**



YOUR FIRM
LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

Get started at
lawpay.com/ctbar
866-730-4140

Data based on an average of firm accounts
receivables increases using online billing solutions.

LawPay is a registered agent of Synovus Bank, Columbus,
GA., Fifth Third Bank, N.A., Cincinnati, OH, and Wells Fargo
Bank, N.A., Canadian Branch, Toronto, ON, Canada.

CT LAWYER

Volume 35 | Number 2 | November/December 2024

2024-2025 OFFICERS

President, James T. (Tim) Shearin

President-Elect, Emily A. Gianquinto

Vice President, J. Paul Vance, Jr.

Treasurer, Sharad A. Samy

Secretary, David M. Moore

Assistant Secretary-Treasurer, Sara J. O'Brien

Immediate Past President, Maggie Castinado

ADVISORY COMMITTEE

Regen O'Malley (Chair), Myles H. Alderman, Jr., Thomas Chapman, Jeffrey C. Dannenberg, Brian J. Donnell, Steven J. Errante, Theodore W. Heiser, Kyle LaBuff, Charles D. Ray, Bolesh J. Skutnik, Jeffrey A. Zyjeski

CONNECTICUT LAWYER STAFF

Executive Director: Keith J. Soressi,
ksoressi@ctbar.org

Director of Communications: Alysha Adamo,
aadam@ctbar.org

Design/Production: Maureen Howard

Advertising: advertise@ctbar.org

Copyright 2024 by the Connecticut Bar Association. All rights reserved. The copying, duplication, transferring, reproducing, reusing, or reprinting of the *CT Lawyer* is strictly prohibited without permission. Publication of advertising does not imply endorsement of products, services, or statements made concerning them. All advertising copy is subject to approval. The editor reserves the right to reject advertising. The goal of the *CT Lawyer* is to provide a forum for the free expression of ideas. The opinions and positions stated in signed articles are those of the authors and not those of the Connecticut Bar Association. The Connecticut Bar Association welcomes the submission of articles by its members. For editorial guidelines, please e-mail editor@ctbar.org.

Manuscripts accepted for publication become the property of the Connecticut Bar Association. No compensation is paid for articles published.

The *CT Lawyer* (ISSN 10572384) is published six times per year by the Connecticut Bar Association, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450. CBA membership includes a subscription. Periodicals postage paid at New Britain, CT, and additional offices.

POSTMASTER: Please send address changes to *CT Lawyer*, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450.

Design/Production services provided by Belvoir Media Group, 535 Connecticut Avenue, Norwalk, CT 06854. 203-857-3100. www.belvoir.com

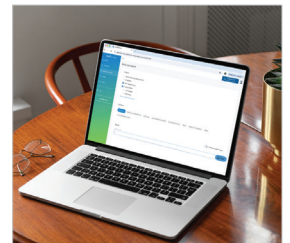
FEATURES

16 Welcome to the CBA's New Headquarters

18 vLex Fastcase: The Legal Intelligence Powerhouse, Free to Connecticut Bar Members

20 Unlocking vLex Fastcase: Your Guide to the vLex Knowledge Base *By Joe Patz Vineyard*

22 Proposed New Standard of Title: Mobile Home Owners' and Tenants' Right of First Purchase or First Refusal on Sale of Mobile Home Park *By Ellen L. Sostman*



COLUMNS

4 PRESIDENT'S MESSAGE Fortifying the Rule of Law with Civil Engagement Spearheaded by Lawyers *By James T. (Tim) Shearin*

26 WELLNESS Year-End Tips and Actions Items from the Lawyer Well-Being Committee *By Joan Reed Wilson and Sara Bonaiuto*

28 TIME TO GO PRO BONO Nurturing Leadership and Pro Bono Engagement Through Nonprofit Board Service *By Dan A. Brody*

30 DIVERSITY, EQUITY, & INCLUSION Small but Mighty and Making a Huge Difference: The South Asian Bar Association of Connecticut *By Rachna Khanna and Nandita Ruchandani*

32 SUPREME DELIBERATIONS Avoiding Briar Patches *By Charles D. Ray*

34 YOUNG LAWYERS Justice for All? *By Vianca T. Malick*

DEPARTMENTS

6 CBA News & Events

13 Upcoming Educational Calendar

24 Informal Opinion

Cover Image Credit:
mapodile | Getty Images

Fortifying the Rule of Law with Civil Engagement Spearheaded by Lawyers

By JAMES T. (TIM) SHEARIN

In the United States, the Constitution, the rule of law, and the people who make up this country are inextricably linked. The rule of law represents the behavioral norms we have adopted to ensure the freedoms guaranteed to us by the Constitution and the system of government we have created to establish a free and just society. “We the People” are ultimately those charged with making sure that our democracy continues to embrace the rule of law and the constitutional guarantee it protects.

When the inextricable link between the Constitution, the rule of law, and “us” is fractured, our very system of government is threatened. Many fear we have reached that point given the political strains that now define our nation. Current polling reveals that an alarming number of Americans have become disillusioned with our democracy, with 38 percent willing to embrace some form of authoritarianism.¹ That is a startling and scary statistic. Left unchecked, the rule of law and our constitutional freedoms are in peril.

As you read in the September/October edition of the *CT Lawyer*, the Connecticut Bar Association Rule of Law Committee hosted a conference featuring the ABA’s Task Force on American Democracy. The task force was created in 2023 by then-President Mary Smith. President Smith recognized that given the “deep political divisiveness and pervasive misinformation about our electoral processes,” it was up to the legal profession to “fortify our democratic institutions.” Since its creation, the task force has undertaken an exhaustive study of what threats exist to our

democratic process, why they exist, and how they can be mitigated. The September 4, 2024 conference offered thought-provoking discussions on many issues. I thought I might take this opportunity to share some of the more meaningful points from the conference.

There are many reasons for the current threat to our rule of law. The misuse of social media to promote misinformation or disinformation has reached an epic high; manifestations of the political polarization that divides our country predominate our news consumption; baseless, and often venomous, criticism of institutions designed to enforce the rule of law is now commonplace; and public discourse on matters of national interest has seen ideals replaced with ideology and civility with acrimony. Perhaps even more alarmingly, we have come to accept the current situation as the status quo. It is little wonder that far too many citizens have become disillusioned in who and what we are.

James T. (Tim) Shearin is the CBA’s 101st president. Attorney Shearin is the immediate past chairman of Pullman & Comley LLC. He has wide-ranging experience in federal and state courts at both the trial and appellate levels, and before arbitration and mediation panels. He represents clients in a wide variety of litigation matters.



With disillusionment has come apathy in some, and bitterness in others. The rule of law that governs us as a civilized society and undermines the republic created by our Constitution has begun to erode.

One of the principal observations that emerged from our recent conference featuring the task force was the need for an increased focus on civics education leading to civic engagement. This point was aptly made by Judge Alvin Thompson of our own District Court in his February 2023 article entitled “Want a Dysfunctional Rule of Law? Then Neglect Civic Education.”² I encourage all of you to read it. Judge Thompson pointed out what the ABA Task Force has recognized: Fundamentally, the only way to combat the downward spiral we are on right now is to triple our efforts at civic education and engagement. All of us need to understand the importance of our democracy and the Constitution upon which it is built. All of us need to understand the interrelation-

ship of the three branches of government and how together they function in a way that allows our country to address whatever challenges comes its way. All of us need to understand that without “We the People,” none of those institutions work.

All of us need to understand the importance of our democracy and the Constitution upon which it is built. All of us need to understand the interrelationship of the three branches of government and how together they function in a way that allows our country to address whatever challenges comes its way. All of us need to understand that without “We the People,” none of those institutions work.

The ABA Task Force and Judge Thompson both have made a call to arms for lawyers in particular. Not only should we be a model of civil discourse in our professional and public lives, but we must educate the public on the Rule of Law and our democracy. We must visit with local Rotary groups and at community events and talk about the importance of understanding the history of our democracy and the need for civil engagement by all. We must em-

phasize the need for schools to teach civics education, volunteering where necessary. We must use our talents to defend the integrity of local elections. We must speak out against those whose rhetoric would seek to dismantle our Constitution.

I applaud the Bar Association Civics Education Committee for its work making the court system real for middle school and high school students through its mock trial program, and for promoting the Secretary of the State’s Legal Assistance Program to help ensure the integrity of Connecticut’s elections. Our Diversity, Equity, and Inclusion Committee also offers a week-long LAW Camp program each summer that exposes high school students to the

legal profession and gives them instruction on the law and the role it plays in our society. The CBA Young Lawyers Section oversees the association’s Lawyers in the Classroom program, which introduces the importance of the law to grade school children. The CBA’s Access to Justice Department coordinates school visits to courthouses, so students can observe the rule of law in action.

Follow the lead of these CBA groups. Get involved, use your voice, educate those you meet on the importance of the Rule of Law and its connection to the Constitution, encourage constructive engagement with our democratic institutions, and make clear that “We the People” requires their informed involvement. ▢

NOTES

- 1 Reinventing American Democracy for the 21st Century, AM. ACAD. OF ARTS & SCI., <https://www.amacad.org/news/reinventing-american-democracy-21st-century> (last visited June 14, 2024).
- 2 Business Law Today, ABA Business Law Section, Feb. 14, 2023, https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-february/dysfunctional-rule-of-law-neglect-divic-education/.



Free Legal Advice Clinic 2025 Schedule

January 21 & 22
April 22 & 23
July 22 & 23
October 21 & 22

Learn More and Register at
ctbar.org/FreeLegalAdviceClinics



Do You Have 30 Minutes? Volunteer Today

Volunteer attorneys for the CBA’s Free Legal Advice Clinic will answer legal questions in their area of practice during a 30-minute virtual session. Paralegals and law students can volunteer to complete client intake forms.

The CBA is looking for volunteers in any of the following practice areas:

- Bankruptcy
- Employee Rights/Unemployment
- Family Law
- Fraudulent Business/Debt Collection
- Immigration Law
- Landlord/Tenant
- Other Civil Law
- Pardons
- Tax Law

News & Events

CBA Hosts 2024 Diversity, Equity, & Inclusion Summit



(L to R) CBA President James T. (Tim) Shearin; DE&I Committee Member Troy M. Brown; Dr. Arin Reeves; DE&I Committee Co-Chair Ronald J. Houde, Jr.; DE&I Committee Member Michelle Duprey; DE&I Committee Co-Chair Hon. Cecil J. Thomas

The Connecticut Bar Association hosted its 9th Diversity, Equity, and Inclusion Summit on October 25 at CT State Community College's Gateway campus in New Haven. About 150 members of the Connecticut legal community attended the Summit to hear from distinguished speakers, who provided assessments on the state of DEI in the legal community and strategies for improving DEI initiatives within legal organizations.

For close to a decade, the Summit has served as an opportunity for the signato-

ry organizations to the Connecticut Legal Community Diversity & Inclusion Pledge and Plan to gather for a day of learning, reflection, and inspiration. The current Pledge and Plan provides a series of organizational diversity and inclusion action steps and best practices for each signatory organization to implement during the year. The organizational signatories then gather at the Summit each year to review their efforts and progress, and receive education focused on the future goals of the Summit. Since the launch of the Pledge and

Plan in October 2016, 46 Connecticut legal organizations, including private law firms, government legal agencies, non-profit law firms, and corporate legal departments have joined to participate in the effort.

This year's event began with an introduction provided by CBA Diversity, Equity, & Inclusion Committee Co-Chair Ronald J. Houde, who summarized the purpose of the Summit by stating, "We come together as advocates, colleagues, and friends united by a shared commitment

to fostering a legal landscape that reflects the rich diversity of the communities that we serve.” CBA President James T. (Tim) Shearin also provided introductory remarks for the event, thanking the committee members, speakers, and attendees for their participation in the Summit and introducing the Summit’s first speaker, Judge Cecil J. Thomas.

The opening educational program of the Summit presented by Judge Thomas consisted of the annual Signatory Data Collection Overview. During this presentation, which has been given annually at the Summit since 2017, Judge Thomas provided an aggregate snapshot of the representation of diverse individuals within the signatory organizations, organized by type of employer. The data is drawn from assessment responses that the Connecticut Legal Community’s Diversity & Inclusion Pledge & Plan Signatories submit annually, in which each organization describes its structural diversity, equity, and inclusion efforts during the prior year, and shares demographic data concerning lawyers employed within the organization in Con-

participants were provided insight into the representation of diverse individuals within the leadership and total attorney population of these legal sectors, trends and changes over the years of data collection in Connecticut, and comparisons to national trends as reported by the National Association of Law Placement.

The Summit’s second speaker was Dr. Arin Reeves, a researcher, author, and top advisor to leaders in companies, firms, and organizations on leadership and workplace culture topics. Dr. Reeves led attendees through an interactive workshop, *The Why and the How of Diversity and Inclusion: Integrating Diversity & Inclusion Into How We Work*, that explored the field of DEI with a specific



Retired Supreme Court Chief Justice Richard A. Robinson presented A Chief Justice’s Reflection on DEI.

in diversity vs. equity vs. inclusion. Later in the workshop, she emphasized the importance of focusing on behavior rather than belief when seeking to implement DEI based policies within a workplace. “The minute you bring belief into the workplace you are hurting your diversity efforts, because it’s irrelevant,” stated Dr. Reeves. She stressed that by divorcing required behaviors from a belief set, proper DEI practices and policies can be implemented with less resistance from employees that disagree with their basis.



(L to R) CBA President-Elect Emily A. Gianquinto, CBA President James T. (Tim) Shearin, Professor Kenji Yoshino

necticut. The presentation provided information on diversity metrics organized by gender, race and ethnicity, sexual orientation, gender identity, and disability, for private, non-profit, and government legal agency pledge signatories. Summit

focus on the concept of diversity fatigue. She began by breaking down the separate meanings of each of the constituent components of DEI and the different approaches needed to achieve success

After a break for lunch, the Summit continued with the presentation *Practical DEI Suggestions for the Current Environment* by Professor Kenji Yoshino of the Meltzer Center for Diversity, Inclusion and Belonging. In the presentation, Professor Yoshino examined polarizing perspectives on the legal repercussions that *Students for Fair Admissions v. Harvard* will have on future DEI initiatives. He identified one perspective that optimistically believes the ramifications of the case will be restricted to college admissions and therefore not affect private business practices as well as an opposing perspective that the case portends all-encompassing restrictions on any DEI programs. Professor Yoshino argued that the correct takeaway from the case falls between these two extremes. He noted that the issue of affirmative action, around which the Fair Admissions case centers, is only one of many ap-

proaches associated with DEI initiatives, which extend to also include employee education and training, heritage celebrations, family friendly policies, structured interviewing processes, and more. “What we need to really do is think about which of these practices are legally risky and which are not,” stated Professor Yoshino before providing examples of programs that would either align or conflict with contemporary interpretations of the law.

The Summit’s final presentation was presented by recently retired Supreme Court Chief Justice Richard A. Robinson, who provided reflections and lessons drawn from his experiences with DEI issues during his 24 years of service on the bench. He spoke about personal situations he encountered in his profes-

sional career where he faced prejudice and assumptions based on his racial identity. Chief Justice Robinson also spoke about his views on DEI through a historical context and the particular importance of examining difficult moments in our nation’s history. “The attempts to deny, alter, or erase history by those who are embarrassed by it, fear it, or wish to manipulate it for their own purposes is not only shortsighted but dangerous,” stated Robinson. “If they are successful then all explanations of how we got here in this moment will no longer exist; all the lessons that the past has taught us will be lost.”

Following Chief Justice Robinson’s presentation, Judge Thomas once again took the stage to bring the Summit to a

close. Judge Thomas thanked those for attending for their commitment to the Summit, noting “The goal for today was to address the challenges of the moment, to put together the speakers that we all needed to hear from, and my hope is you all leave here inspired with something to take back to your organizations.”

The Summit reflects the significant efforts of the CBA Diversity, Equity, and Inclusion Committee, and in particular its Summit Subcommittee, over the course of the past year. The CBA extends its gratitude to the Diversity, Equity, & Inclusion Summit Committee members for organizing an engaging summit and to all our sponsors for making this year’s event possible.



Diversity, Equity, and Inclusion Committee Co-Chair Ronald J. Houde, Jr. provided introductory remarks for this year’s Summit.



Dr. Arin Reeves presented The Why and the How of Diversity and Inclusion: Integrating Diversity & Inclusion Into How We Work.



Professor Kenji Yoshino presented Practical DEI Suggestions for the Current Environment.



Diversity, Equity, and Inclusion Committee Co-Chair Hon. Cecil J. Thomas presented the annual Signatory Data Collection Overview at the Summit.

CBA Members Volunteer at Stand Down 2024

This year, CBA Members continued to provide pro bono legal services to veterans at the Connecticut Department of Veterans Affairs' annual Stand Down event, which the CBA has assisted with since 1998. On Friday, September 20, attorneys Robert Burnes, CBA Immediate Past President Maggie Castinada, Veterans and Military Affairs Section Chair Jason Fragoso, Scott Kustra, Jacob McChesney, and Russell Zimeberlin represented the CBA and provided in-person assistance to attendees at the Stand Down events, which were held in Bridgeport, Bristol, Danbury, Norwich, Rocky Hill, and Stamford.

"Stand Down at the Connecticut Veterans Affairs campus was a big success this year," remarked Attorney Fragoso. "We had a great turnout of volunteer attorneys from the CBA and others representing other agencies and organizations such as Connecticut Veterans Legal Center, the Attorney General's Office, the Department of Justice, and more. Just speaking for the CT Bar contingent at Rocky Hill, our volunteers staffing the tent were approached and engaged proactively with numerous Veterans. At many of these encounters we were able to provide on the spot guidance or conduct a warm hand-off to a cognizant

agency or organization. As a Veteran myself I feel gratitude towards Connecticut Veterans Affairs for hosting this event. As a CBA section officer, I am thankful and extremely proud of the work we did as a CBA volunteer team and look forward to staffing this tent for CBA next year."

Stand Down was established after the Vietnam War and provides veterans with "one-stop" access to a range of programs and services offered by state and federal agencies, Veterans organizations, and community-based non-profits.



(L to R) Russell Zimeberlin, Robert B. Fried, Veterans and Military Affairs Section Chair Jason Fragoso, and CBA Immediate Past President Maggie Castinada at the Rocky Hill Stand Down Event

CBA Hosts Largest Free Legal Advice Clinic to Date

On October 22 and 23, the Connecticut Bar Association (CBA) Pro Bono Committee and Statewide Legal Services of Connecticut held its largest Free Legal Advice Clinic to date, which served 72 clients in need of legal assistance. The clinics, which are held quarterly throughout the year, provide members of the public in need of legal advice with 30-minute virtual meetings with volunteer attorneys providing answers to legal questions in a variety of practice areas, including family law, bankruptcy, immigration law, landlord/tenant issues, tax law, employee rights/unemployment issues, and more.

Over the course of the clinic, 24 volunteer attorneys, three volunteer interpreters, and 19 paralegal and law student intake volunteers participated in assisting the clients. Several clients provided positive feedback on the services they received, with one noting, "I was so grateful for the time and energy you all put into this. It was very helpful for me and very needed at this time in my life." Another client stated, "As a single mother struggling financially, I was so grateful for the opportunity to utilize the clinic for legal advice pertaining to a family court issue. To say I appreciate the efforts of the team would be an understatement; this is an exceptionally valuable service to provide to the community."

The clinic provides a critical need for those who would be unable to attain legal services through other means. The median annual income of the clients that participated in this most recent clinic was \$18,000 and 93 percent of the clients reported that they are unable to afford to hire a private attorney. As the number of clients in need grows with each clinic, so does the CBA's need for volunteers. Learn more about the services provided by the CBA's Free Legal Advice Clinics as well as volunteering opportunities at ctbar.org/freelegaladviceclinics.



David J. Dixon, CFA
(860) 241-4628
ddixon@bfsinvest.com

David J. Dixon, CFA® joins Bradley, Foster & Sargent

We are pleased to announce that David J. Dixon has joined the team at Bradley, Foster & Sargent. Dave brings a wealth of insight, experience, and leadership to our team. Dave joins us from Wilmington Trust where he was Executive Vice President of Wealth Management. He also ran the wealth business at Webster Bank and held senior positions at Harbor Capital Management, Fleet Investment Advisors, and Connecticut National Bank.

Dave is active in the community serving as the immediate past Chairman of First Tee- Connecticut, former Chairman of the Arthritis Foundation of Connecticut, former Board member of the St. Francis Foundation along with other philanthropic organizations in the greater Hartford community.

Please join us in welcoming Dave in the upcoming months.



Hartford, CT | Litchfield, CT | Stonington, CT | Wellesley, MA | Delray Beach, FL | Chicago, IL | Portland, ME

IN MEMORIAM

Hon. Frederick Arthur Freedman

passed away at the age of 95 on May 15. Judge Freedman graduated earned a B.A. degree from the University of Connecticut in 1951 and an L.L.B. from Yale Law School in 1954. He honorably served as a First Lieutenant in the United States Air Force JAG during the Vietnam War, from 1954-1957. He practiced law with Brody and Brody, P.C. until 1981 when he became a Connecticut Superior Court judge. In 1992, Judge Freedman was appointed to the Connecticut Appellate where he served as chief administrative judge for the Appellate System until 1994 when he became a Senior Judge of the Connecticut Appellate Court and in 1999, Judge Trial Referee. When he retired from the Bench in 2012, he served as Counsel at Halloran & Sage in the Alternative Dispute Resolution Practice Group as a mediator. He was also the recipient of numerous awards, including the Connecticut Bar Association Judiciary Award.



Richard P. (Dick) McGrath

passed away at the age of 94 on July 21. He was an honors graduate of Georgetown University and Harvard Law School, the latter where he served as an editor of the Harvard Law Review. He began his career as a corporate attorney at Hughes Hubbard & Reed (NY), then served as Corporate Counsel at Raytheon (MA) before joining Cummings & Lockwood (CT) in



1960, where he served as Head of the Corporate Department for many years. His clients included many well-known international and Fortune 500 companies. He also served as Of Counsel at Murtha Cullina (CT) during his later career. Attorney McGrath was very active in the Connecticut Bar Association, WESFACCA, and Stamford Rotary Club. For over 21 years, he served as Secretary and General Counsel (pro bono) for the International Executive Service Corps, a nonprofit organization that fosters private sector development in the economically developing world.

Hon. Stanley Novack

passed away at the age of 93 on June 9. He obtained a Bachelor of Science degree in accounting in 1953 and earned a law degree in 1956 from the University of Connecticut. He began his legal career in private practice in Danbury as a sole practitioner from 1967 through 1969 and also served as an assistant prosecuting attorney in the City Court of Danbury. In 1970, Judge Novack was appointed to be a Workers Compensation Commissioner for the State of Connecticut and held the position for a term of five years. He was then appointed as a judge of the Court of Common Pleas in 1975, and became a Connecticut Superior Court judge in 1978. He served as the administrative judge of the Stamford-Norwalk Judicial District from 1988 through 1992. Thereafter, he served as the chief administrative judge for the Family Division from 1992 through 1995. In 2000, he became a judge



trial referee. Judge Novack was one of the longest presiding Connecticut Superior Court judges, with 2024 marking 49 years of service. He won numerous awards throughout his career, including in 1987, he received the Distinguished Jurist Award from the CBA Family Law Section and in 2023, he received the CBA's Henry J. Naruk Judiciary Award.



Austin Keith Wolf

passed away at the age of 101 on November 4. He graduated from Yale University (Branford College) in

1948 and graduated from Harvard Law School, cum laude, in 1951; he was admitted to the bar in the same year. Attorney Wolf founded Cohen and Wolf with Herbert Cohen in 1951 and practiced in the areas of land use planning, zoning, wetlands, real estate development, and industrial and commercial leasing. He was an attorney trial referee of the Connecticut Superior Court and received two commendations for his service. Attorney Wolf was a member of the CBA House of Delegates and past chair of the Planning and Zoning Section, which honored him in 2007 with the section's first-ever Lifetime Achievement Award, given "in recognition of longstanding distinguished service as a planning and zoning lawyer, to clients, to the profession, to the community, to strong ethical practices and to the advancement of knowledge, to writing, lecturing and similar pursuits." Additionally, he was a frequent speaker at seminars on land use topics presented by the CBA.

Young Lawyers Section Hosts 2024 Pro Bono Fair and Golf Event



(L to R) Connecticut Appellate Court Judge Ingrid Moll, YLS Pro Bono Coordinator Ashley Cervin, CBA Pro Bono Committee Chair Dan Brody, YLS Pro Bono Coordinator Emily McCarthy, and YLS Chair Vianca T. Malick

The event's keynote speaker, Connecticut Appellate Court Judge Ingrid L. Moll, also advocated for the young lawyers in attendance to commit themselves to pro bono work throughout their careers. Judge Moll noted that there have been significant increases in the number of litigants in Connecticut representing themselves in recent years. "The reality is that, although some self-represented parties do pretty well navigating unknown territory, most do not," remarked



(L to R) Alison J. Toumekian, YLS Chair Vianca T. Malick, and CBA Assistant Secretary-Treasurer Sara J. O'Brien

On the evening of October 10, over 40 members of the Connecticut Bar Association Young Lawyers Section (YLS) gathered at the TPC River Highlands golf club in Cromwell for the section's 2024 Pro Bono Fair and Golf Event. This unique annual event consists of two parts, beginning with an optional round of golf followed by a reception featuring 15 booths for various pro bono organizations.

During the reception, each of the pro bono organizations provided brief introductions to their services and were on hand to provide information about volunteer opportunities to the YLS members at the event:

- CBA Pro Bono Programs (Free Legal Advice Clinics, CT Free Legal Answers, Lawyers in Libraries, CBA Pro Bono Connect)
- Center for Family Justice, Inc.
- Center for Indigenous Peoples Rights
- Connecticut Coalition Against Domestic Violence
- Connecticut Institute for Refugees and Immigrants
- Connecticut Legal Rights Project
- Connecticut Legal Services
- Connecticut Veterans Legal Center
- Disability Rights CT
- Hartford Public Library, The American Place
- Pro Bono Partnership

- SLS Chat Navigator
- State of Connecticut Judicial Branch (Volunteer Attorney Programs)
- Statewide Legal Services of Connecticut, Inc.
- Victim Rights Center of CT, a program of the CT Alliance to End Sexual Violence

At the start of the reception, CBA YLS Chair Vianca T. Malick welcomed the young lawyers to the event, before introducing CBA Pro Bono Committee Chair Dan Brody. Brody spoke about the importance of undertaking pro bono work and the invaluable support provided by the pro bono organizations throughout the state. "You will find through the work that you do and what you will hear from all these organizations is that you can have an immense impact on the most important aspects of someone's life," stated Brody.



Following the event's reception, attendees were encouraged to visit different organizations' booths and learn about the various pro bono opportunities they provide.

Judge Moll. "Litigants need an advocate and the courts do not serve that function. But you can." She encouraged the young lawyers present to engage with various forms of pro bono representation, including limited scope representation.

Thank you to all those who attended this year's event as well as all the attorneys who provide vital pro bono services to individuals in need throughout Connecticut.

Upcoming Education Calendar

Register at ctbar.org/CLE

DECEMBER

- 4 Professionalism Boot Camp ♦
- 9 Public Benefits and Rights in Aging: A Primer on What to Know for Your Clients
- 10 Tales from the Other Side: What Every Opposing Counsel Wants You to Know
- 11 Tools to Ethically Manage Client Trust Accounts ♦
- 12 IP Ethics ♦
- 12 The Intersection of Family and Criminal Law
- 13 Residential Real Estate Closings

JANUARY

- 15 Communication Seminar
 - 23 The Ballad of Johnny Sick: A Story of Psychiatric Commitment in Connecticut
 - 29 Where Do We Draw the Line: Exploring Tension between Free Speech Rights and Educational Access
- ## FEBRUARY
- 4 Ethics Seminar ♦
 - 5 CBM Series ♦
 - 10 Family Law
 - 11 Labor and Employment and Business Law
 - 13 Heart Health

- 19 Engagement Letters ♦

- 25 LGBT ♦

- 27 Solo/Small Technology

MARCH

- 3 Engagement Letters

- 4 Education

- 5 Lawyer Like an Athlete

- 11 Appellate Law

- 27 Annual Advanced Labor and Employment Law Symposium

♦ *Ethics credit available*

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

Swearing-In Ceremony Welcomes Over 170 New Attorneys to the Connecticut Bar

During two ceremonies that took place on November 8, over 170 new attorneys were sworn into the Connecticut Bar inside the Connecticut State Library and Supreme Court Building. Connecticut Supreme Court Chief Justice Raheem L. Mullins and Associate Justices Nora R. Dannehy, Gregory T. D'Auria, Steven D. Ecker, and Andrew J. McDonald presided over the day's ceremonies.

Chief Justice Mullins provided the ceremonies' welcome remarks as well as a brief speech recognizing and congratulating the new admittees on their notable achievement. During his speech, Chief Justice Mullins explained to the inductees that their careers as attorneys will be marked with both successes and failures and will be both difficult and fulfilling. He also noted the importance of protecting one's reputation through honest and civil conduct, warning the new attorneys, "It may take years to build your reputation, but it will only take minutes to ruin it."

After the motion to admit the successful candidates to the bar, Connecticut Supreme Court Chief Clerk Carl Cicchetti administered the Oath of Attorney to the new admittees, and Senior Associate Justice Andrew J. McDonald

administered the Oath of Commissioner of Superior Court. Then each inductee individually presented themselves as attorneys before the court. CBA President James T. (Tim) Shearin presented a welcome speech to the new attorneys, conveying the rewarding nature of working in the field of law and encouraging them to keep in mind the important principles upheld through their service. "When you walk next door to the supreme court, you



(L to R) Connecticut Supreme Court Associate Justice Steven D. Ecker, Associate Justice Andrew J. McDonald, Chief Justice Raheem L. Mullins, Associate Gregory T. D'Auria, and Associate Justice Nora R. Dannehy

will see that honor exudes those walls. That honor is now yours," announced President Shearin.

Following the admission of the new attorneys, all the event's attendees were invited to attend a reception held in the Connecticut State Capitol, where they were able to meet with representatives from the Connecticut Bar Association Young Lawyers Section and other bar associations from across Connecticut.

2024
Roster



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS CONNECTICUT CHAPTER

WWW.CONNMEDIATORS.ORG

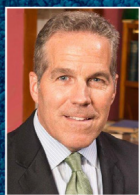
The following Chapter Members are recognized in 2024 for
Excellence in the field of Alternative Dispute Resolution



Hon. Salvatore Agati
Waterbury



Thomas Barrett
West Hartford



Thomas Cella
Hartford



Steven Certilman
Stamford



Dominic Fulco
Hartford



Joseph Garrison
New Haven



Hon. Elaine Gordon
Westbrook



Hon. Douglas Mintz
Stamford



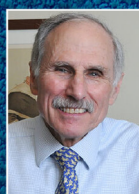
Richard Renehan
Waterbury



Hon. Antonio Robaina
Hartford



Herb Shepardson
Hartford



Hon. Jonathan Silbert
New Haven



Charles Stohler
New Haven



Eric Wiechmann
New Canaan



Hon. Terence Zemetis
Madison

FEBRUARY 2025

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25		27	28		

Check your preferred available dates or
schedule appointments online, directly
with Academy Members - for free.

Visit www.ConnMediators.org/dateselector

* The National Academy of Distinguished Neutrals is an invitation-only professional association of over 1000 litigator-rated mediators & arbitrators throughout the US and a proud sponsor of the AAJ and DRI. For more info, please visit www.NADN.org/about

Chief Justice Richard A. Robinson

Departs Supreme Court After 24-year Judicial Career

After serving six years as the chief justice of the Connecticut Supreme Court, Hon. Richard A. Robinson announced his plans to retire from the bench effective September 6. Before becoming a judge, Justice Robinson first served as staff counsel for the City of Stamford Law Department from 1985-1988 and as assistant corporation counsel in Stamford from 1988 to 2000. In 2000, he was appointed to the Connecticut Superior Court and over the next seven years served in various roles, including as presiding judge (civil) for the New Britain Judicial District, presiding judge (civil) and assistant administrative judge for the Ansonia/Milford Judicial District, and presiding judge (civil) for the Stamford Judicial District.

On December 10, 2007, Justice Robinson was appointed as a judge of the Connecticut Appellate Court. Five years later on December 19, 2013, he was appointed as a justice on the Connecticut Supreme Court. He was appointed as the chief justice of the Supreme Court on May 3, 2018, by then-Connecticut Governor Dannel P. Malloy, becoming the state's first Black chief justice. Upon his appointment, Chief Justice Robinson made his top priorities improving public confidence in the judiciary and improving equal access to the justice system. He instituted new diversity, equity, and inclusion training for state judges and commissioned a task force to study the issue of racial discrimination in the selection of juries and consider measures to promote diverse jury panels.

In 2020, Chief Justice Robinson faced the challenge of leading the Connecticut Judicial Branch through the unprecedented difficulties imposed by the COVID-19 global pandemic. He oversaw the implementation of the judicial branch's plan that utilized a remote video conferencing platform to continue to carry out its constitutional duties during the period of state emergency declarations and

social distancing. He also oversaw the return to in-person court processes over the past few years as pandemic-related regulations have subsided.

"Justice Robinson has provided dedicated service to the people of Connecticut for four decades," stated Connecticut Governor Ned Lamont in an official announcement of the Supreme Court Chief

"Throughout his career, Justice Robinson has dedicated himself to the provision of justice and the people of Connecticut."

Justice's retirement. "During his tenure, Justice Robinson has made improving public access to the courts a hallmark of his approach, recognizing that justice operates best when it operates for everyone. He is universally admired as a compassionate, thoughtful, and skillful jurist."

"Chief Justice Robinson has worked closely with and been a great friend to the Connecticut Bar Association since his appointment in 2018, which was shortly after I began my role at the association," stated CBA Executive Director Keith Soressi. "The chief justice has collaborated



with us on many events and programs and has shown significant support for the attorneys of our association and the legal community within our state."

CBA President James T. (Tim) Shearin praised Chief Justice Robinson's ser-

vice, stating "Throughout his career, Justice Robinson has dedicated himself to the provision of justice and the people of Connecticut. Over the past six years, he has provided thoughtful and valuable leadership to our Supreme Court during a period notably marked by the unprecedented challenges of the COVID-19 Pandemic. He has also played a profoundly important role, both in Connecticut and nationally, in addressing diversity, equity and inclusion issues as they impact the court, the litigants it serves, and the legal profession. I wish him the best in his well-deserved retirement." □



Welcome to the CBA's New Headquarters

On Monday, October 21 the Connecticut Bar Association celebrated the recent relocation of its headquarters from New Britain to 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 with an open house for members. From 3:00 p.m. to 5:00 p.m., CBA members were invited to tour the CBA's new office, meet association leaders and staff, enjoy snacks, get a free professional head shot taken, and socialize with other members. The event was also attended by several local dignitaries, including Connecticut State Representatives Hilda Santiago and Michael Quinn as well as Meriden Mayor Kevin Scarpato. Representatives Santiago and Quinn presented the association with an official proclamation from the Connecticut State Legislature congratulating the CBA on its successful move.

The CBA's new offices include state-of-the-art conference rooms for hosting in-person CLE seminars and section meetings. Be on the lookout for upcoming in-person meetings and events in the near future. We look forward to seeing you here! 📍



A selection of treats were available for guests



The reception area had CBA swag available for attendees



(L to R) Meriden Mayor Kevin Scarpatti and CBA President-Elect Emily A. Gianquinto



The new CBA reception area has a dedicated lounge space for members



CBA members had a chance to mingle with each other while viewing the new headquarters



The CBA's new headquarters is home to state-of-the-art conference rooms available for CLE and section meetings



(L to R) Connecticut State Representatives Michael Quinn and Hilda Santiago

vLex Fastcase:

The Legal Intelligence Powerhouse, Free to Connecticut Bar Members

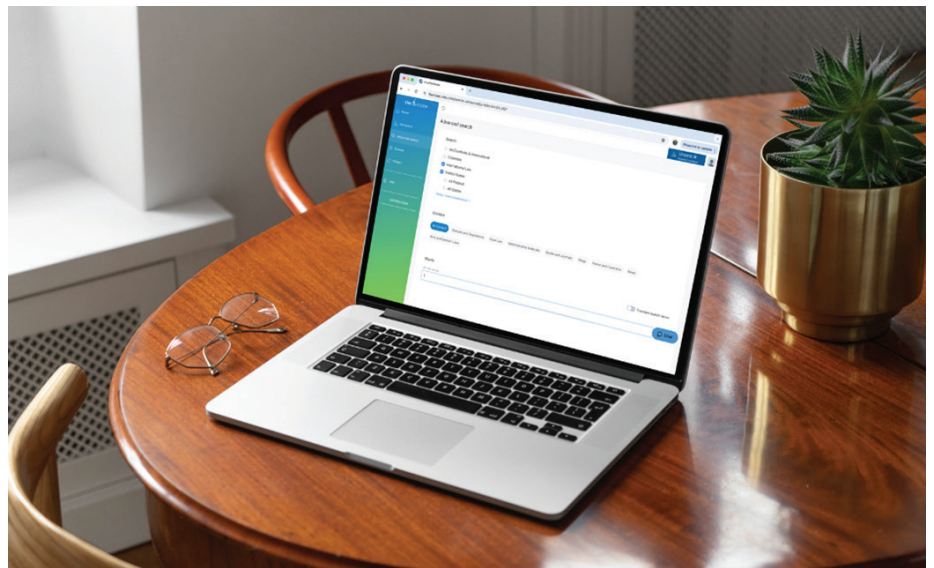
In coordination with Fastcase, the Connecticut Bar Association has offered a free legal research member benefit since 2023, providing access to cases, statutes, and regulations. In 2023, Fastcase merged with vLex, a global leader in legal intelligence, raising questions about the future of this essential service. But rest assured: vLex Fastcase remains committed to democratizing the law and enhancing legal research tools. This member benefit saw substantial upgrades in November 2024, with enhanced features, while keeping the service completely free for Connecticut Bar members.

Bar members will enjoy free access to a comprehensive legal research platform that includes a vast library of primary legal sources: case law, statutes, regulations, and state-specific legal materials. You can expect seamless access to state court opinions, statutes, Attorney General opinions, and more. Whether you're searching by citation, keyword, or natural language, vLex Fastcase delivers quick and accurate results.

In addition to primary law, the service offers a wealth of secondary materials, including practice guides, legal forms, and treatises on topics ranging from employment law to intellectual property. These resources provide invaluable insights and practical advice, tailored to Connecticut's legal professionals.

A key feature of this enhanced service is the Cert citator, which flags negative treatment and other citations to cases. Cert goes beyond Fastcase's previous citation service, Bad Law Bot, by offering editorial oversight, improving accuracy and delivering more comprehensive legal research.

Also included are advanced capabilities from Vincent AI, the award-winning research assistant from vLex. Connecticut Bar Association members will benefit from automated headnotes, case summaries, and Vincent's ability to identify similar legal documents included in their benefit. Premium features, such as 50-state surveys and argument drafting, are available via subscription.



The intuitive interface of vLex Fastcase makes navigating legal research a breeze. With an easy-to-use search bar and smart filters, finding the right documents is quicker than ever. Members can also save frequently used documents for future reference and receive alerts on the latest legal updates affecting their practice areas.

Best of all, this cutting-edge service is offered **completely free** for Connecticut Bar members — a resource that costs over \$1,000 annually for non-members. For small and solo practices in Connecticut, this provides an incredible opportunity to leverage the same technology used by larger firms, leveling the playing field.

With vLex Fastcase and Vincent AI at your fingertips, your firm can increase efficiency and competitiveness, keeping costs down while enhancing the quality of service to clients.

Explore the improved vLex Fastcase benefit by visiting the Connecticut Bar website. Simply log in with your member credentials and discover the powerful tools available to you as of November 2024.

For more information, visit vlex.com/vlex-fastcase.

**Access Your Legal Research Benefit
at ctbar.org/vlexFastcase**

Your free legal research benefit just got better

Fastcase, the legal research platform available to you as a free member benefit, has been upgraded to vLex Fastcase, a new legal intelligence and research platform. vLex Fastcase includes everything you have access to now, plus more.

> Discover more in one location

Custom news feeds tailored to specific practice areas or jurisdictions, along with Featured Libraries, highlight relevant secondary content right on your homepage.

> Achieve confidence with Cert citator

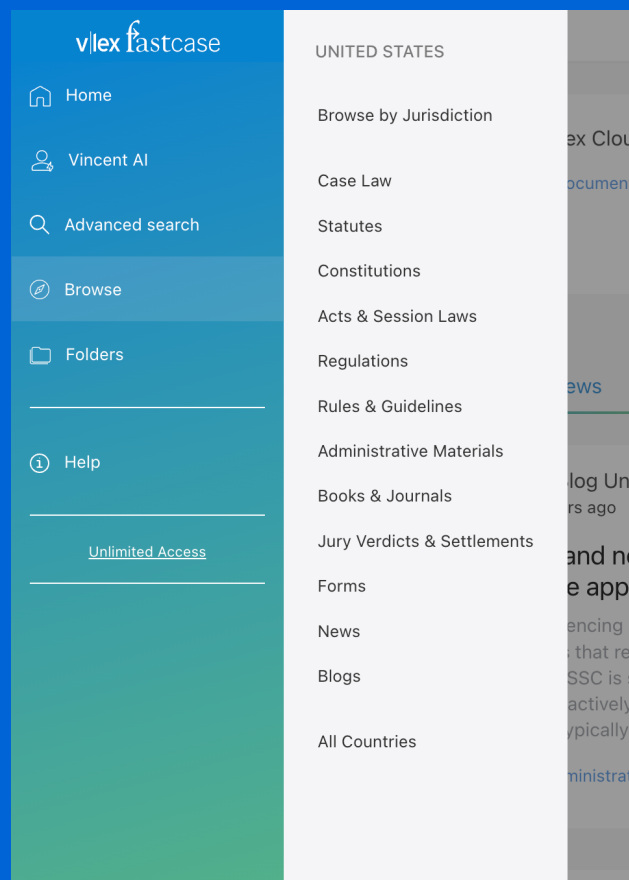
This cutting-edge tool helps legal researchers swiftly identify cases treated unfavorably in subsequent decisions, offering a comprehensive perspective on a case's precedential value.

> Set new standards with Vincent AI Case Analysis

Use this feature to access automatically generated header notes, view the legal issue of a case, and gain insights into the matters at hand quickly.

> Streamline your work with Word and Chrome integrations

Seamlessly integrate vLex Fastcase with Microsoft Word and Google Chrome so that it aligns with your drafting and initial research workflows. These integrations provide easy access to vLex Fastcase features directly within your daily tasks.



vlex.com/vlex-fastcase



Unlocking the Full Potential of vLex Fastcase:

Your Guide to the vLex Knowledge Base

By JOE PATZ VINEYARD

The vLex Knowledge Base is your go-to resource for mastering the platform and enhancing your legal research capabilities. Whether you're a new user or a seasoned pro, our comprehensive guides and articles will help you navigate vLex Fastcase with ease and efficiency. Here's an overview of what you can find in the vLex Knowledge Base and how it can assist you with frequently asked questions.

Getting Started

For those new to vLex, the "Getting Started" section is the perfect place to begin. It contains simple, step-by-step guides designed to help you familiarize yourself with the platform's features and functionality. If you prefer a more interactive approach, you can also contact us to book a training session tailored to your needs.

Exploring Key Features

The Knowledge Base provides detailed explanations of every feature available on vLex, ensuring you can make the most of

the platform. Here are some highlights:

- **Vincent AI:** Discover how our AI-driven research assistant can streamline your legal research by offering automated headnotes, case summaries, and more.
- **Cert™ (US Case Citator):** Learn how to use our advanced citator to track negative treatments and citing references, improving your case law research.
- **Precedent Map:** Understand how to visualize the relationships between cases

to identify key precedents and influential decisions.

- **Folders, Notes, and Highlights:** Organize your research efficiently with tools that allow you to save, annotate, and highlight important documents.
- **Workflow Integrations:** Explore how vLex integrates with tools like Microsoft Word and our Chrome extension to enhance your legal drafting and research workflows.

How-To Guides

The "How-To Guides" section is packed with practical tips and tutorials to help you improve your search results and leverage vLex's powerful research tools. Whether you need to refine your search queries, analyze documents more effectively, or utilize advanced features, these guides provide clear instructions and examples to enhance your productivity.

Support

The "Support" section is your destination for account management and troubleshooting. Here, you can find information on changing your settings, resetting your password, and other essential tasks. If you need further assistance, this section also provides details on how to contact support or set up a training session to get personalized help.

Jurisdictions

For users seeking information on specific legal jurisdictions, the "Jurisdictions" tab offers articles tailored to various regions. These guides explain how to use vLex's jurisdiction-specific tools and provide insights into local legal research practices, ensuring you can access the most relevant and up-to-date information for your area of interest.

Need More Assistance?

If you can't find the answers you're looking for in the Knowledge Base, our support team is always ready to help. You can contact us directly for further assistance at helpdesk-us@vlex.com.

Conclusion

The vLex Knowledge Base is an invaluable resource designed to help you max-

imize your use of the platform. From getting started guides and detailed feature explanations to practical how-to guides and support resources, the Knowledge Base has everything you need to become a vLex expert. Visit the vLex Knowledge Base today and start exploring all the ways it can help you enhance your legal research and practice.

Learn More and Get Started Here: support.vlex.com

From the desk of Joe Patz Vineyard, Vice President of Alliances at vLex Fastcase. For nearly a decade, Joe has been the dedicated liaison between Fastcase and our Bar Association partners, serving as the primary point of contact for bar staff.



Your free legal research benefit just got better

Gain greater insights into legal matters.

Set new standards with Vincent AI.

Achieve confidence with Cert citator.

Fastcase, the legal research platform available to you as a member benefit, has been upgraded to vLex Fastcase, a new legal intelligence and research platform. Access everything you have now, plus more.

vlex.com/vlex-fastcase



Access Your Legal Research Benefit at ctbar.org/vlexFastcase

Proposed New Standard of Title: Mobile Home Owners' and Tenants' Right of First Purchase or First Refusal on Sale of Mobile Home Park

BY ELLEN L. SOSTMAN

The Standards of Title Committee has adopted proposed new Standard 31.7, addressing P.A. 23-125, effective October 1, 2023, now codified as Conn. Gen. Stat. Secs. 21-70b and 21-70c. The Act provides that, if the owner of a mobile home park decides to sell it, the park must first be offered to an association primarily comprised of owners of mobile homes located in the park and/or those tenants of such mobile homes who are immediate family members of the owner (right of first purchase). The park owner may only enter

into a contract to sell the park before offering it to such an association if the contract is subject to the mobile home owners' and tenants' right to purchase (right of first refusal).

If approved, this new standard will become part of Chapter 31, Parties in Possession and Leaseholds, of the Connecticut Standards of Title, since all mobile home parks consist of spaces or "lots" that are leased to the owners of mobile manufactured homes, who are thus tenants of

the park owner. The owners of the mobile homes may also be the occupants, or may allow family members or unrelated third parties to rent and occupy the mobile home.

What follows is a brief synopsis of the proposed new Standard 31.7.

PROPOSED STANDARD 31.7 Mobile Home Owners' and Tenants' Right of First Purchase or First Refusal on Sale of Mobile Home Park

Effective October 1, 2023, an association of owners of or tenants occupying a mobile home located in a mobile home park that is the subject of a sale, lease or transfer has a right of first purchase or right of first refusal under the conditions set forth in Secs. 21-70b and 21-70c. Title to the land comprising such mobile home park is unmarketable unless and until such right has been exercised, has expired or is released.

Following the above headnote are eight paragraphs of comments that expand on and explain the specifics of these new rights. Comment 1 identifies the public act which created the new rights, P.A. 23-125, and its effective date of October 1, 2023, and further notes that Section 1 of that Act also contains new definitions that replace those contained in Conn. Gen. Stat. Sec. 21-64. The reason for the proposed new standard is also set out in Comment 1: the new statute sections create a new encumbrance on the title to the land comprising the mobile home park that is referenced nowhere else outside



of the statutes and is not recorded in the chain of title.

Comment 2 distinguishes the new right of first purchase or right of first refusal from a right already existing under Conn. Gen. Stat. Sec. 21-70f that applies when the owner of a mobile home park seeks to discontinue the use or to sell to someone who intends to do so. Section 21-70f is unaffected by P.A. 23-125. Comment 2 also contains the limitations on the applicability of the new rights: they don't apply to mobile home parks containing fewer than 15 lots or spaces, or to certain transactions, set forth in Comment 2.

Comment 3 contains the specific requirements for the notices that must be given to the owners of the mobile homes in the park by the park owner, both by mail and by personal delivery, and the notices that must be given to any existing association of park residents, the Connecticut Department of Housing, the Connecticut Department of Consumer Protection and CHFA.

Comment 4 notes that, notwithstanding that notice of the sale must be given to the mobile home owners, they are required to organize themselves into an association in order to exercise the right to purchase. That association must represent 51% or more of the owner-occupants of the mobile homes and/or owners of mobile homes that are occupied by members of their immediate family. Once organized, it may give notice to the park owner of its intent to purchase the park and may record that notice in the land records. It has 180 days after the last notice was given to close on the purchase of the park. DOH and CHFA are required, on the request of the association, to assist in developing financing for the purchase.

Comment 4 also contains recommendations for actions not required by the statute. First, since the association may take title to the land and may also close a mortgage on it, it is recommended that it organize as an entity recognized as capable of holding title to real property in Connecticut. Second, it is recommended that the personal delivery of notices required by the statute be documented, either by having them served by a marshal or other officer who will make a return of service or that the recipient of the notice be required to sign a dated receipt, in order to

be able to document the commencement of the 180 day limit by which the association must close.

Comment 5 sets out the time limitation contained Conn. Gen. Stat. Sec. 21-70b(c), which requires that an agreement for the sale of the park to the association, executed by the association and the park owner, be recorded in the land records no later than 90 days after the last of the required notices was given or the association's right to purchase becomes void. Comment 5 further notes that the status of the 90 period is not ascertainable without inquiry made to the park owner to produce a list of the owners of mobile homes within the park along with documentary evidence of the notices given by mail and personal delivery, to confirm that all owners were notified and to establish whether the 90 day period has passed. Although not required by statute, the termination of the association's right to purchase must be documented in the land records by the recording of an affidavit prepared in accordance with Conn. Gen. Stat. Sec. 47-12a, attaching copies of the notices given, in a manner similar to the tax collector's affidavit required by Standard 29.1.

Comment 5 further recommends that, even in the case of a sale to the association of owners and tenants, such an affidavit be recorded as evidence that the notice provisions of the statute were complied with, reducing the possibility of a later challenge to the title.

In the event an agreement to purchase between the park owner and the association of owners and tenants is recorded in the land records and is not followed within 90 days by a conveyance to the association, Comment 5 states that title to the land comprising the mobile home park is unmarketable until either a conveyance to the association is recorded or a release identifying the agreement by volume and page of recording, signed by the association and witnessed and acknowledged, is recorded in the land records.

Comment 6 addresses the circumstance in which multiple parks are owned by the same party and some or all are being offered for sale or a contract of sale has been entered into for multiple parks, or the entity that owns the parks is selling a controlling interest by stock transfer or other non-cash instrument. In such case,

the required notices must still be given and the owner-occupants and/or their related tenants in each park must still organize themselves into an association, but the association then has the choice of matching any existing offer or, if the association wishes to purchase only the park in which it was formed, submitting its own offer to the park owner for that park. The park owner must consider the offer but is neither bound to sell to the association nor bound to postpone closing a sale on any existing contract.

Comment 7 notes that an association formed under Section 21-70b may assign its right of first purchase or first refusal to the municipality in which it is located or to a housing authority located in that municipality or to a non-profit organization, for the purpose of continuing the use of the property as a mobile home park. Any such assignment must be recorded to avoid a break in the chain of title, particularly when the association has recorded notice of its intent to purchase.

Comment 8 addresses Conn. Gen. Stat. Sec. 21-70c, which provides that, on a sale by the park owner to an association formed under Sec. 21-70b or its assignee which sale requires the continued maintenance of the property as a mobile home park, the seller shall be exempt from payment of the conveyance tax and the buyer shall be liable for both the municipal portion of the conveyance tax and 50% of the state conveyance tax, unless the transaction is otherwise exempt.

After the 60 day comment period established by the CBA bylaws, which begins to run on the date of publication of this article, the Committee will consider any comments received and will make whatever changes to the proposed standard it deems appropriate. Proposed Standard 31.7 will then be submitted to the Board of Governors for final approval. A complete copy of Standard 31.7 is available from the CBA. Any comments should be submitted to the committee chair, Ellen L. Sostman, by email to eslaramie15@gmail.com. □

Ellen L. Sostman is a retired senior title counsel at Connecticut Attorneys Title Insurance Company, a member of the CBA's Real Property Section's Executive Committee, and chair of the Standards of Title Committee.

Informal Opinion 24-1

Crowdfunding and the Rules of Professional Conduct;

Rule 3.7, Lawyer Not Likely to Be a Necessary Witness

An attorney who has represented an indigent mother in a child protection matter asks whether the representation violated Rule 3.7 of the Rules of Professional Conduct (Lawyer as Witness) where the attorney initiated and administered a crowdfunding¹ campaign for the benefit of her client. On the facts presented, we see no violation of Rule 3.7, and we take this opportunity to address ethical issues a lawyer must consider when undertaking a crowdfunding campaign for the benefit of a client.



The Facts Presented

The attorney's former client is an indigent single mother of several children. The attorney was appointed by the Office of the Public Defender to represent the mother in the litigation over the children's return after the Department of Children and Families ("DCF") had removed them from their home. After beginning the representation, and with the client's consent, the attorney undertook a crowdfunding campaign that raised approximately \$1,100 for the benefit of the client. Donors contributed via Venmo, PayPal, and Zelle. Neither the attorney nor her law firm donated any funds to the crowdfunding campaign. The attorney distributed all of the donated funds to the client in several installments, and the attorney believes that the client has spent all of the funds on rent, food, and fuel.

After DCF's counsel became aware of the campaign, counsel demanded that the at-

torney cease her representation of the client, asserting that the attorney could not properly continue the representation because she could be a witness in the DCF matter. To avoid causing issues for the client, the attorney unhappily withdrew from the representation even though she disagreed with DCF counsel's implicit assertion that she was subject to disqualification as a potential witness. The client, however, wishes that the lawyer resume the representation. The attorney now asks the committee to opine on whether Rule 3.7 required her withdrawal from the representation. As discussed below, on the facts presented, we see no violation of Rule 3.7.

Crowdfunding and the Rules of Professional Conduct

Before addressing the Rule 3.7 issue, we first address some of the ethical issues a lawyer should consider whenever the lawyer becomes involved in crowdfunding on a client's behalf.² Specifically, the

lawyer must consider questions of client confidentiality (Rule 1.6); the obligation to be truthful in statements to others (Rule 4.1); attorney obligations with respect to the receipt, safekeeping, and disbursement of any collected funds (Rule 1.15(b) and (e)); and the prohibition on financial assistance to a client (Rule 1.8(e)).

Prior to commencing a crowdfunding campaign on behalf of a client, a lawyer, pursuant to Rule 1.6(a), must obtain the client's informed consent to the disclosure of any information relating to the representation of the client. Even where the attorney does not plan to refer to the client by name in the crowdfunding campaign, informed consent is still required if there is a reasonable likelihood that the publicly shared information, including the lawyer's identity, could permit identification of the client.

Rule 4.1 prohibits a lawyer from making any "false statements of material fact or

law” and failing “to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.” Accordingly, the attorney must not make any false statement in connection with the crowdfunding campaign, including with respect to the lawyer’s relationship to the client. The lawyer’s duty under Rule 4.1 remains in effect throughout the entire duration of the crowdfunding campaign, not just at the time of the initial posting.³

The facts presented here are that the lawyer raised funds for the benefit of the client, received the funds raised through the crowdfunding campaign, and then distributed those funds “in several installments” to the client. Presumably, it was the donors’ intent that their donated funds would go to the client. Hence, all funds the lawyer received through the crowdfunding campaign were the client’s funds, and the lawyer’s receipt of those funds triggered the obligations under Rule 1.15. Under subsection (e) of that Rule, the lawyer must “promptly notify” the client of the lawyer’s receipt of the funds, and, most important, must “promptly deliver” the funds to the client. And if the lawyer anticipates holding the funds for any length of time prior to delivery to the client, Rule 1.15(b) dictates that the funds must be deposited into the lawyer’s IOLTA account, and that they not be commingled with the lawyer’s own funds or with funds belonging to the lawyer’s firm.

Subject to certain exceptions, Rule 1.8(e) generally prohibits lawyers from providing “financial assistance to a client in connection with pending or contemplated litigation...” Where, as here, the lawyer is merely facilitating donations made by third parties, Rule 1.8(e) is not implicated. In that situation, a lawyer is not, herself, providing the client with “financial assistance” as the committee interprets that term. And in light of the general prohibition on “financial assistance to a client,” a lawyer may contribute to a crowdfunding campaign for the benefit of a client *only if* the contribution is permissible under the exception of Rule 1.8(e)(3), which permits, in very narrow circumstances, “modest gifts to [an indigent] client to pay for food,

shelter, transportation, medicine or other basic living expenses.”

Last, when representing a client and establishing and receiving funds from a crowdfunding campaign, the lawyer should be mindful of this advice from the commentary to Rule 1.8(e)(3): “If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about such consequences. See Rule 1.4.”

Rule 3.7

Finally, we turn to the question of whether the attorney’s crowdfunding campaign for the benefit of her client disqualifies the attorney from continuing or resuming her representation. Rule 3.7(a) prohibits a lawyer from “act[ing] as an advocate at trial in which the lawyer is likely to be a necessary witness...” (emphasis added). The Rule does not bar a lawyer from participation in any other portion of the action before the trial takes place, nor from advising a client more generally. The facts we have been given do not specify the procedural posture of the case, nor when or if a trial will take place. But on a plain reading of Rule 3.7(a), the attorney certainly would not violate the Rule by continuing her representation up to the point of trial, regardless of whether or not she would be a necessary witness.

Moreover, we see nothing in the facts presented that indicates that the attorney will be a necessary witness at trial so as to require her disqualification from representing the client either during trial or in the pre-trial stages of the proceedings. Accordingly, it is the committee’s opinion that the lawyer was not required to withdraw from the representation.

Ultimately, determination of the fact-specific issue of disqualification is one for the trial court to make, if and when the opposing side moves for disqualification pursuant to Rule 3.7. And even if the lawyer were to be deemed a necessary witness at trial, the lawyer will not be subject to disqualification if the court determines that the exception of Rule 3.7(a)(3) applies, namely, that “disqualification of the lawyer would work a substantial hardship on

the client.” The committee notes that the commentary to Rule 3.7 provides that in balancing the various interests at stake – the interests of the client, the tribunal and the opposing party – “due regard must be given to the effect of disqualification on the lawyer’s client.” Where, as in the facts presented here, the client is not in a financial position to hire counsel of her choice, disqualification of her preferred counsel may well “work a substantial hardship.”

In making a pre-trial determination of whether there is a risk of disqualification at trial pursuant to Rule 3.7, and the attendant disadvantage for the client, these are some of the issues the lawyer should consider:

1. *Whether the subject of the lawyer’s contemplated testimony would encompass information protected from disclosure by attorney client privilege or pursuant to the lawyer’s duty of confidentiality under Rule 1.6(a).* If the information that would be disclosed in the lawyer’s testimony is within the scope of such protections, the lawyer is unlikely to be a proper witness at trial.
2. *Whether the subject of the lawyer’s contemplated testimony will actually be disputed at trial.* Under Rule 3.7(a)(1), the prohibition on serving as advocate and witness in the same proceeding will not come into play where “the testimony relates to an uncontested issue.”
3. *Whether the subject of the lawyer’s contemplated testimony can be established by other evidence without the lawyer’s testimony.* If it can be established by other evidence, then the lawyer is not “likely to be a necessary witness” and Rule 3.7 will not be implicated.⁴
4. *Whether the lawyer has first-hand knowledge of the matter(s) for which her testimony is contemplated.* If the lawyer has no first-hand knowledge of disputed matters, the lawyer’s testimony is unlikely even to be admissible, much less “likely to be . . . necessary.”
5. *Whether the lawyer’s contemplated testimony is likely to be substantially in con-*

Continued on page 36 —

Year-End Tips and Actions Items from the Lawyer Well-Being Committee

By JOAN REED WILSON AND SARA BONAIUTO

As the holiday season approaches, many lawyers in Connecticut find themselves juggling end-of-year deadlines, family obligations, and the general hustle and bustle of the season. It can be a time of joy and celebration, but it can also be a period of immense stress, particularly for legal professionals who are often caught in the whirlwind of both work and personal commitments. To thrive during the holidays and set the stage for a healthier and more balanced New Year, here are some practical well-being tips tailored specifically for busy lawyers.

1. Prioritize Self-Care, Even in Small Doses

For many lawyers, self-care is often the first thing that slips when the pressure mounts. Taking even small steps to nurture your mental and physical health can make a significant difference.

- **Mindful Breathing:** One of the quickest ways to calm your nervous system in the middle of a busy day is to practice mindful breathing. Take a minute or two to focus on deep, controlled breaths. Inhale deeply for a count of four, hold for four, and exhale slowly. Doing this for just five minutes can significantly reduce stress and improve focus.
- **Micro-Meditations:** Download a mindfulness or meditation app, such as Headspace or Calm, and try to incorporate brief meditation sessions into your day. These micro-meditations, as short as three-to-five minutes, can help reset your mental clarity during particularly busy periods.
- **Stay Hydrate:** It may sound simple, but staying hydrated can greatly influence your energy levels and focus. Keep a

water bottle nearby and set reminders to take sips throughout the day.

2. Set Boundaries with Work

It's easy for lawyers to feel as though they need to be constantly available, but during the holiday season, setting clear boundaries can be crucial to maintaining your well-being.

- **Communicate Early:** Let clients and colleagues know your holiday availability well in advance. By setting expectations early, you can reduce the likelihood of last-minute work requests or interruptions during family gatherings.
- **Use Technology to Your Advantage:** Automate your email responses with an out-of-office message or a delayed-response notification. For non-urgent matters, schedule follow-up times post-holidays. Tools like these can help you maintain control over your time while still ensuring clients feel acknowledged.

- **Delegate:** If possible, delegate tasks to junior attorneys or support staff. This will not only lighten your workload but also help develop your team's skills and confidence.
- **Stay Tuned for Our Boundary-Setting Workshop in January:** If you find boundary-setting difficult, be sure to join us on January 16, when the Well-Being Committee will host boundaries coach, Barb Nangle, in a 1-hour virtual presentation about boundary-setting.

3. Exercise and Move, Even When Time Is Tight

While it can be challenging to maintain a consistent exercise routine during the holiday season, incorporating physical movement into your day can significantly improve your mental health and resilience to stress.

- **Schedule Exercise as an Appointment:** Treat exercise like a non-negotiable appointment in your cal-



Image credit: Joe Klementovich / Aurora Photos/Getty Images

endar. Whether it's a brisk walk, a short yoga session, or a full workout, scheduling it makes you more likely to follow through.

- **Work Movement into Your Routine:** If your schedule is particularly packed, try to integrate movement into your workday. Take walking meetings, use the stairs instead of the elevator, or do a few stretches at your desk. Small bursts of movement can keep you energized and focused.
- **Get Outside:** Natural light and fresh air can boost your mood, especially during the shorter, darker winter days. Even a 10-minute walk outside during a break can lift your spirits.

4. Be Mindful of Holiday Indulgences

The holiday season often involves gatherings that revolve around rich food and alcohol. While indulging now and then is part of the celebration, overdoing it can leave you feeling sluggish and mentally foggy.

- **Practice Moderation:** Rather than completely abstaining from holiday treats, focus on moderation. Mindful eating, where you slow down and savor each bite, can help you enjoy the food without overindulging.
- **Watch Alcohol Consumption:** It can be tempting to unwind with a few drinks at holiday parties, but excessive alcohol consumption can disrupt sleep and lead to poor decision-making. Try alternating alcoholic drinks with water, and know your limits.

5. Carve Out Time for Loved Ones

The holidays are about connection and celebration, but busy work schedules can sometimes crowd out family time. Make an effort to prioritize meaningful interactions with those closest to you.

- **Schedule Time for Family and Friends:** Just as you schedule work appointments, carve out specific times for family and friends. Make those times sacred and free from work interruptions.
- **Be Present:** When you are with your loved ones, be fully present. Set aside your phone, refrain from checking emails, and focus on enjoying the

moment. Presence is a gift both to yourself and to those around you.

6. Don't Overcommit

It's easy to fall into the trap of trying to please everyone, whether that's at work or in your personal life. However, overcommitting can lead to burnout.

- **Learn to Say No:** While it's natural to want to participate in every holiday event or take on extra work responsibilities, don't be afraid to say no when your plate is already full. Protecting your time and energy is critical to maintaining your well-being.
- **Prioritize:** Determine which commitments are most important to you. Focus on what aligns with your values and let go of obligations that are more about pleasing others than bringing you joy or fulfillment.

7. Get Enough Rest

Sleep is one of the most vital components of your overall well-being, yet it's often the first thing sacrificed during busy periods.

- **Set a Sleep Routine:** Create a consistent bedtime routine that allows your body and mind to wind down. Avoid screens at least an hour before bed and consider relaxing activities such as reading or meditating to help you unwind.
- **Naps Are Okay:** If you find yourself running low on sleep due to late nights or early mornings, don't shy away from a quick power nap during the day. Even 15-20 minutes of rest can rejuvenate your focus and energy levels.

New Year Resolutions for Long-Term Well-Being

As the New Year approaches, consider setting resolutions that can enhance your well-being not just during the holidays, but throughout the year. Here are a few that are particularly beneficial for lawyers:

1. **Commit to Work-Life Balance:** Make it a priority to maintain a healthier balance between your personal life and work. Set clear boundaries for work hours and stick to them as much as possible.

2. **Prioritize Mental Health:** The legal profession is notoriously stressful. In 2025, consider integrating regular therapy, coaching, or mindfulness practices into your routine to support your mental health.

3. **Create Time for Personal Development:** Lawyers are often so focused on their careers that they neglect personal growth. Whether it's learning a new skill, picking up a hobby, or investing in a creative outlet, make personal development a part of your New Year's plan.

4. **Set Fitness Goals:** Establishing regular exercise goals can help keep your energy up and reduce stress levels. Whether it's aiming to walk 10,000 steps a day, running a race, or just hitting the gym regularly, fitness resolutions can have long-term benefits for your physical and mental well-being.

5. **Practice Gratitude:** Start a gratitude journal or find a way to regularly reflect on the positive aspects of your life. Practicing gratitude has been shown to reduce stress and increase feelings of happiness and contentment, helping to maintain a positive outlook even during difficult times.

Conclusion

The holiday season can be a demanding time for everyone, but it can also be an opportunity to reset and refocus on well-being. By taking small steps to care for yourself now and setting intentional New Year's resolutions, you can reduce stress, enhance your overall health, and set the foundation for a more balanced, fulfilling 2025. □



Joan Reed Wilson is the managing partner of RWC, LLC, Attorneys and Counselors at Law, where she practices estate planning, elder law, probate, and real estate closings. She holds a Certificate in Applied Positive Psychology from Penn and is a Certified Adult Chair® Coach.



Sara Bonaiuto is an associate at Shipman & Goodwin LLP, where she is a member of the firm's Commercial Finance and Business and Corporate practice groups and the Cannabis Industry Team. Her practice is focused on assisting businesses and individuals with equity and debt financings, term and revolving credit facilities, entity formations, mergers and acquisitions, construction financing, real estate joint ventures and general contract matters.

Nurturing Leadership and Pro Bono Engagement Through Nonprofit Board Service

By DAN A. BRODY



I write this reflection following the Pro Bono Fair put on annually by the Young Lawyers Section (YLS) of the Connecticut Bar Association (CBA). The section includes all members of the CBA who are 37 years old or younger or who have been admitted to the Bar for less than six full bar years. The YLS community is a particularly good audience for a discussion about the value of pro bono work as early-career lawyers can benefit from handling pro bono matters perhaps even as much as their pro bono clients. That concept is not news to anyone. It is well-known that pro bono work provides all lawyers, especially those with more potential to develop, with the opportunity to practice and learn legal skills. Think of any critical legal skill. One can develop that doing pro bono work. However, I hope this piece finds more experienced members of the bar. As well as the concepts, the final note, applies to all.

Not only does pro bono work enhance legal skills, it also makes one a more well-rounded person. Pro bono work extends not only to the provision of legal advice or representation, but also to service of pro bono and legal aid organizations. The American Bar Association model rules recognize that time spent “serving on boards of pro bono or legal services programs” qualifies as pro bono work. See ABA Model Rule 6.1, cmt. 8. The YLS Pro Bono Fair exhibited a number of le-

gal aid organizations who would qualify under that ABA model rules. Service on the board of directors of one of these organizations can aid in the development of an attorney in a number of ways that are not strictly speaking legal skills. A non-exhaustive list would include finance, governance, leadership, and networking.

Most legal aid organizations are organized as nonprofit organizations that receive their funding from a variety of sources including donations, foundations, and grants. Service on the board of directors of a legal aid organization exposes one to the financial world of a nonprofit from the inside and necessitates under-

attorneys, many are. And while diversity of professional roles strengthens a board, attorneys are well placed to assist with issues relating to the governance of the organization’s board. A governance role would require a director to become familiar with the organization’s bylaws, policies, and external contracts. It may require oversight of contract negotiations around strategic partnerships with other organizations. Further, it would require a deep understanding of the organization in order to assess continually the suitability of the governance structure to the current organization and its intended director of travel. Service on a nonprofit legal aid organization board comes with a number of duties, such as

It is well-known that pro bono work provides all lawyers, especially those with more potential to develop, with the opportunity to practice and learn legal skills.

standing of the organization’s finances and structure in order to contribute meaningfully to financial and other decisions. It also provides a platform to learn about fundraising, 990s, budgeting, auditing, and strategic development.

While members of a legal aid organization’s board of directors do not need to be

the duties of care, loyalty, and obedience. A board member would need to learn how to stay informed and when it is appropriate to exercise well-placed reliance on the expertise of another board member, of in the financial areas. Sitting in a board room or in a virtual meeting comes with it responsibility to exercise post-Enron good governance practices. I believe that experience



helps create more well-rounded lawyers and people.

Service on a nonprofit board provides an opportunity to grow leadership skills outside of the normal workplace. It provides attorneys more junior in title the chance to step forward in a different setting and lead in discussions and projects in a way that is authentic. These opportunities lead to growth that then translates back to the workplace. These can be opportunities for growth or professional fulfillment that cannot be manufactured at work. Boards are decision-making bodies. Finding one's voice to participate in those discussions and practice in consensus building can aid one's development.

Some lawyers struggle to leave the office or home, in the case of a hybrid work environment. Taking the example of the many YLS members at the Pro Bono Fair, pro bono work and connection to legal aid organizations can also help with an important but non-legal skill: networking. Attorneys meet new connections and develop lasting ones through nonprofit board service. Those connections can, and certainly have in many cases, led to attorney-client relationships, referral sources, mentor and mentee relationships, job references, and friends. Given the nature of the mission and work that legal aid organizations engage in, it is a safe bet that one volunteering to work on a legal aid nonprofit board will meet oth-

er community oriented and likeminded colleagues.

Finally, a byproduct of board service likely will be an increased knowledge of the organization's mission and work that often goes hand-in-hand with a desire to do more pro bono work. ▢



Dan A. Brody is a Counsel 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.

Small but Mighty and Making a Huge Difference: The South Asian Bar Association of Connecticut

By RACHNA KHANNA AND NANDITA RUCHANDANI

This bar year, the DEI column will highlight different affinity bar associations.

Born in the aftermath of 9/11, the South Asian Bar Association of Connecticut (SABAC) celebrated its 20th anniversary in September of 2024. In a memorable and celebratory 20th anniversary gala, we were reminded by keynote speaker U.S. EEOC Commissioner Kalpana Kotegal, of the difficult journeys and the many sacrifices of those who came before us when they first arrived in America. While the Immigration and Nationality Act of 1965 built upon the Civil Rights Act of 1964 and opened the door to immigrants of color, they still had to navigate a society where power and influence were predominantly held by people different than them.

The South Asian community has made enormous strides in the past century since the earliest South Asian immigrants came to the US. After 1965, a huge influx of highly educated and otherwise qualified South Asians struggled with an unfamiliar culture, and in a system that seemed to be stacked against them through hard work and dedication; however, many found success and became working professionals, business owners, doctors and a myriad of other professionals, the South Asian community needed leaders to advocate for it.

As the number of South Asian lawyers grew, there emerged a desire to have an organization that represented the particular interests of South Asian legal professionals. There were some local organizations, particularly in the big cities, but nothing in Connecticut until SABAC was established in 2004.

After 9/11 and spurred by the unprovoked attacks on South Asians and others, a group of lawyers got together and formed the South Asian Bar Association

of Connecticut. Initially, SABAC was a very small organization with very little in terms of cash. The boundless drive and determination of its founders, board members, and members ensured that this little engine most certainly could.

In addition to creating community, SABAC created a path to leadership that led to one of SABAC's first presidents, to be named the first South Asian president of the Connecticut Bar Association in 2021. Similarly, other former presidents and board members have led practice groups and have been elevated to the state and federal judiciary. Those members and the current board and members of SABAC continue to provide the guidance, training, and support to forge the future leaders of our profession and society.

Through the incredible support of SABAC's founders and allies, the SABAC Endowed Fund was established, allowing SABAC to award a scholarship years ahead of schedule. These funds are paid directly to the law school of the recipient. SABAC recently added a \$1,500 cash



award directly to the scholarship awardee to be used for books or other expenses related to their education.

In 2021, Asker Saeed established the Asker A. Saeed Founder's Award, given to a 501(c)(3) organization that serves the South Asian community. Additionally, SABAC presents its community service award to an individual who has served the South Asian community. This award's cash grant is provided to the 501(c)(3) organization that serves the South Asian community.

In 2025, SABAC will award a public interest grant to further its mission of serving the South Asian community.

SABAC came to life as a small South Asian legal organization and has grown in mission and influence over the past 20 years. SABAC's founders, directors, and members still remember



SABAC's Board at its 2024 Gala

when SABAC was first able to seat its full complement of 12 directors. That milestone accomplishment seems insignificant now, but it is emblematic of how a shared mission and vision, tireless work, and boundless enthusiasm can result in magic. As a small but mighty affinity bar association, SABAC is proud to be able to help the wider community not just with donations, but with legal help that is culturally sensitive and in a language familiar to the client. SABAC would like to acknowledge that the support of our sister bar associations is integral to SABAC's con-

tinued success, and to thank them as we all rise together.

SABAC is actively fostering the next generation of South Asian lawyers through mentorship and connection. Events such as the annual Holi dance party are creative ways to drive engagement with lawyers and students alike while also caring for their well-being.

Breaking through glass ceilings starts at home. SABAC continues to shatter such ceilings by not only bringing chairs to the table, but by instead building the table itself. The pantheon of leaders to whom SA-

BAC owes its success are too numerous to mention in a short article, but we are forever grateful to them for all that they have done and continue to do. ▢



Rachna Khanna is the president of SABAC. She practices Immigration, small business and real estate, and estate planning at RK Law Group.



Nandita Ruchandani is the immediate past president of SABAC. She practices immigration, corporate law, and real estate transactions at KPPB Law.

Avoiding Briar Patches

By CHARLES D. RAY

In *In re Criminal Complaint & Application for Arrest Warrant*, the Supreme Court was asked to opine on the constitutional validity (or invalidity) of Section 9-368 of the General Statutes. Sensing the potential for trouble, the Court declined the invitation. But let's start at the beginning. Section 9-368 provides:

Upon the complaint of any three electors of a town in which a violation of any law relating to elections has occurred to any judge of the superior court for the judicial district within which the offense has been committed, supported by oath or affirmation that the complainants have good reason to believe and do believe that the allegations therein contained are true and can be proved, such judge shall issue a warrant for the arrest of the accused.

The predecessor of Section 9-368 was enacted in 1868, but appears to have been invoked on only one prior occasion. It may be a while before it is invoked again.

The current case began when electors in Bridgeport sought two arrest warrants related to claimed violations of election laws during the September 2023 Democratic primary for the mayor's office in Bridgeport. The trial judge denied both applications, holding that the statute was unconstitutional under both the state and federal constitutions and also contravened the rules of practice. The electors brought a writ of error in the Appellate Court and the Supreme Court transferred the case to its own docket. The trial judge was defended by the attorney general, who argued that the electors were neither statutorily nor

classically aggrieved and that the writ of error should be dismissed.

Justice D'Auria wrote the majority opinion for himself and Justices McDonald, Mullins, Alexander and Dannehy. The majority had little trouble dispensing with the statutory aggrievement argument. Justice D'Auria concluded that the attorney general's argument that the right to appeal could come only by way of an explicit statutory grant would be "antithetical to the purpose of a writ of error, which is to afford a nonparty appellate review of an adverse judgment when there is no express legislative fiat for doing so." Finding no prior precedent that would support the attorney general's argument, the majority concluded that statutory aggrievement was "immaterial" to the electors' standing to bring the writ of error.

Classical aggrievement turned out to be a horse of a different color. To establish classical aggrievement, a party must first show "a specific, personal and legal interest in the subject matter of the [controversy], as opposed to a general interest that all members of the community share" Second, the party must also demonstrate that the conduct alleged has "specially and injuriously affected that specific personal or legal interest." With the background out of the way, the majority jumps directly to the proposition that a number of courts, including the United States Supreme Court, have made clear that private citizens do not hold a judicially cognizable interest in the criminal prosecution of others. That being the case, the majority adopted the reasoning of the Massachusetts Supreme Judicial Court: "even where the [l]egislature has given a private party the

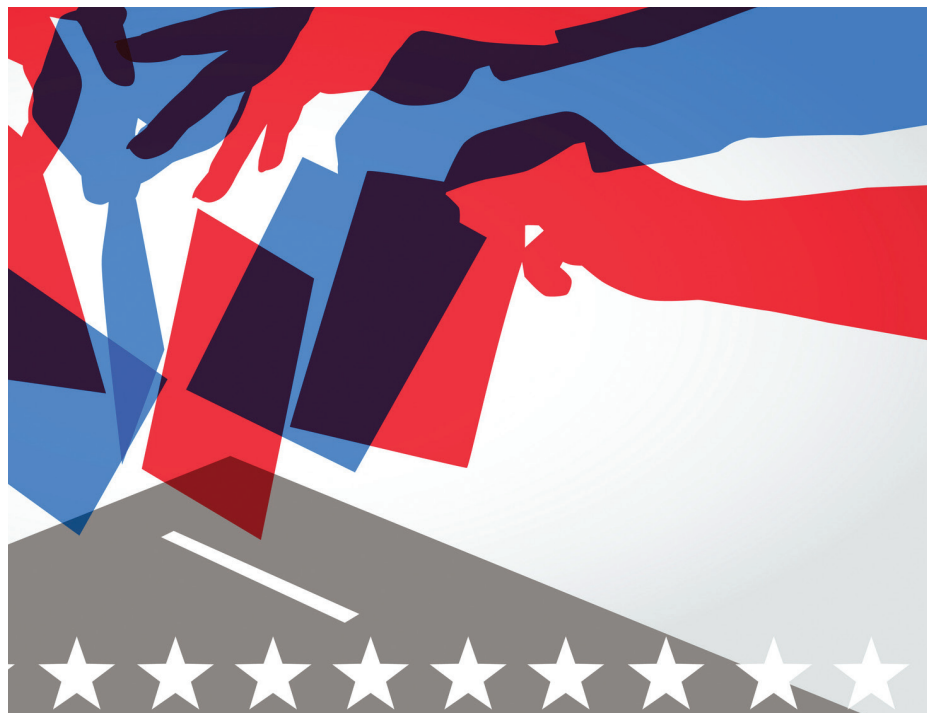


Image credit: smartboy10/Getty Images

opportunity to seek a criminal complaint, we have uniformly held that the denial of a complaint creates no judicially cognizable wrong.”

In further support, the majority analogized to the grievance process governing claims of attorney misconduct. There, an individual is free to make a complaint against an attorney, but lacks standing to challenge the outcome of a grievance proceeding. In this context, “[i]nput from the complaining party is a logical component of the attorney discipline process. Granting the complainant the right to challenge, or appeal from the outcome of the process, is not.” According to Justice D’Auria, the electors brought their allegations to a judge as they were permitted to do by way of Section 9-368. “[T]he judge denied their applications, and that is when their legal interest in the participation of the initiation of a criminal prosecution against others terminated.”

Justice D’Auria recognized that the majority’s ruling “effectively precludes appellate review of the denial of a § 9-368 arrest warrant application.” And while that could well have been the point of the exercise, the majority concluded that the outcome is fully compatible with the underlying process of citizen complaints and the specific notion that the right to pursue criminal prosecutions belongs to the state and not to individual citizens.

Justice Ecker disagreed on the issue of aggravement but would have dismissed the appeal regardless. He began by focusing on the difference between appellate review by way of an appeal and review by means of a writ of error. The former is available to: 1) parties; 2) aggrieved; 3) by a final judgment. The latter is available to nonparties only and is mutually exclusive from an appeal. Thus, for Justice Ecker, the two pertinent questions are whether the electors were “parties” to the court actions below and whether they were aggrieved by the court’s denial of their applications. There is little doubt, according to Justice Ecker, that the electors were parties to the proceedings in the trial court.

On aggravement, Justice Ecker opined that § 9-368 supplies the required judicial-

ly cognizable interest to the electors who filed the warrant applications. In short, the statute provided standing to the electors to initiate an action in the trial court and that court denied the relief requested by the electors. For Justice Ecker, that “injury” was “distinct from other members of the community due to their party status and participation in the trial court proceedings, regardless of whether they would prevail on the merits of their underlying claims.” And the statutory grant of standing to bring applications to the Superior Court distinguished these cases from disciplinary proceedings, which do not permit a grievant to challenge in court the doings of grievance officials.

Based on his conclusion that the electors were aggrieved parties in a judicial proceeding, Justice Ecker then concluded that an appeal, and not a writ of error, would have been the proper way for the electors to obtain appellate review. Thus, Justice Ecker would dismiss the writ of error, but without prejudice to the electors filing a motion for permission to file a late appeal—a subject on which Justice Ecker offered no opinion.

He did, however, offer an opinion the case as a whole:

The statute is old and today may very well be antiquated, obsolete, or even unconstitutional. But it has never been repealed, and this court is not at liberty to ignore the undeniable fact that its plain language expresses a legislative intention to confer standing on a defined class of persons—plainly including the [electors]—to seek and obtain an arrest warrant under specified conditions.

But so long as trial court judges take the sensible route and deny any application that comes their way, we will never know whether § 9-368 is constitutional. I leave it to you whether that’s a good result or not. □



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.

ALAN BUDKOFSKY

BUDKOFSKY APPRAISAL CO.

Certified General Real Estate Appraiser

RESIDENTIAL • COMMERCIAL • EXPERT WITNESS

ONE REGENCY DRIVE, SUITE 109, BLOOMFIELD, CT 06002

E-Mail Budappraisal@hotmail.com

Phone 860-243-0007

www.BudkofskyAppraisal.com

Justice for All?

BY VIANCA T. MALICK

If you grew up in the United States, during the school year, chances are your school day started the same way as mine. Whether you were driven, rode the bus, or walked to school, you would arrive at your homeroom waiting for the school day to begin. Then, at the same time every day, the intercom would chirp on for the morning announcements and a voice would ask everyone to stand for the reciting of the “Pledge of Allegiance.”

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”¹

There comes a time, however, when each of us realize that despite the words in this Pledge, justice is not equally accessible to all.

Continuing on my theme of “Leading through Adversity,” I would like to discuss the unique position we lawyers are in to fight for those without a voice; without the ability to seek the justice each American citizen expects. Unfortunately, in our country there is a significant difference between those who can afford legal services and those who cannot. Known as the “access to justice gap,” this difference creates a gap in the legal resources needed but inaccessible to low income communities.² As lawyers, we have a duty to use our skills and knowledge to help bridge this gap.

Rule 6 of the Connecticut Rules of Professional Conduct charges each lawyer barred in this state with the responsibility to provide public interest legal services

Vianca T. Malick is chair of the CBA Young Lawyers Section for the 2024-2025 bar year. She is an Assistant Attorney General in the Infrastructure and Economic Development Section of the Connecticut Office of the Attorney General where she primarily handles defensive litigation on behalf of several state agencies.



to our communities.³ Public interest legal services range from traditional pro bono legal representation to serving as an officer or director of a legal services organization or participating in legal reform activities.⁴ Not only are each of us responsible as members of the bar to discharge this responsibility, but we lawyers should dedicate our time in providing these services for the many well-documented benefits they yield.

1. Lawyer Well-Being: Last year the *Washington Post* published an article titled, “Want to be happy? Then don’t be a lawyer,” which discussed the harsh reality that lawyers are among the most stressed and unhappy professionals in the world.⁵ In fact, being a lawyer is often detrimental to mental health making us more prone to suffer from anxiety and depression.⁶ The good news? Providing public interest legal services can actually better our well-being. Those providing services have often reported finding a sense of fulfillment and accomplishment in being able

to provide help to those in need.⁷

2. Community Engagement and Networking: Providing public interest legal services allows lawyers to give back to their communities in an important and impactful way. Lawyers are able to foster substantial and meaningful relationships with those in their community and expand their network by collaborating with likeminded professionals.⁸

3. Professional Development: Providing public interest legal services allows lawyers to expand their legal knowledge and advance their practical skills. Lawyers are often asked to tackle a wide range of legal issues and tasks they otherwise would not encounter on a day-to-day basis providing them the unique opportunity to advance in their careers while serving the greater good.⁹

“This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in.” - Theodore Roosevelt

Part of the Young Lawyers Section’s mission is to perform acts of charitable service to both the Connecticut Bar and the larger community. In the wake of the COVID-19 pandemic, which only exacerbated the access to justice gap, the Executive Committee of the Young Lawyers Section re-dedicated itself to providing public interest legal services to our communities by taking a pro bono pledge. Therefore, for the fourth year in a row, I have tasked the Executive Committee of the Young Lawyers Section to complete at least 1,000 pro bono or public service hours this bar year.



To help our members reach this goal, we hosted our Fourth Annual Pro Bono Fair and Golf Event on October 10, 2024 at TPC River Highlands in Cromwell. Following an optional round of golf, members attended a cocktail reception during which public legal service organizations from

throughout our state presented on their various volunteer opportunities. Attendees were then able to connect and sign-up with the various organizations to provide pro bono services over the course of this bar year. In addition to attending the Pro Bono Fair, I also encourage our members

to take advantage of the pro bono initiatives offered by the Connecticut Bar Association.¹⁰

This past July, my husband and I welcomed our first child. I assume whenever anyone is expecting to bring a new life

Continued on page 36 →



Serving the Needs of the Connecticut Legal Community

Lawyers Concerned for Lawyers – Connecticut, Inc. (LCL-CT) is a Connecticut non-profit corporation dedicated to providing information, support and assistance to Connecticut lawyers, judges, and law students in matters of substance use, mental health, stress, and wellness.

There is no cost. All contact is private, confidential, and anonymous and protected under C.G.S. §51-81d(a), as amended.

We offer access to confidential mental health resources, support groups and an array of links to information tailored for attorneys. Scan the QR Code on the right and see for yourself!

FREE and CONFIDENTIAL Support for Connecticut Judges, Lawyers, and Law Students
Call Anytime | 860-497-1422



flit with the client's testimony. As indicated in the commentary to Rule 3.7, under that scenario, "the representation involves a conflict of interest that requires compliance with Rule 1.7," even if the general prohibition of the Rule is not applicable.

Conclusion

In summary, given the pre-trial posture of the DCF proceeding, and no indication in the facts presented that the attorney "is likely to be a necessary witness" within the meaning of Rule 3.7(a), the fact that the attorney undertook a crowdfunding campaign for the client does not dictate disqualification of the attorney. As a general matter, lawyers contemplating a crowdfunding campaign on behalf of a

client should keep in mind their duty of confidentiality (Rule 1.6); their obligation to be truthful (Rule 4.1); the prohibition on financial assistance to a client (Rule 1.8(e)); and their obligations with respect to client funds (Rule 1.15). □

NOTES

- 1 Crowdfunding is considered the practice of funding a project or venture by raising many small amounts of money from a large number of people, typically via the internet. See, <https://www.dictionary.com>.
- 2 As this request does not involve crowdfunding to help pay a client's legal fees we do not address ethical issues raised by that practice. But see, District of Columbia Bar Ass'n Ethics Op. 375 (Nov. 2018); Philadelphia Bar Ass'n Ethics Opinion 2015-6 (Dec. 2015); and New Hampshire Bar Association Ethics Opinion 2021-22/02, addressing those questions.

- 3 While there is nothing in the facts presented to the committee that raises any concern about the lawyer's client engaging in fraudulent or criminal activity, we note that Rule 1.2 (d) prohibits a lawyer from assisting a client in such conduct. Accordingly, if a lawyer who has sponsored a crowdfunding campaign discovers that the funds raised were used for criminal or fraudulent activity, the lawyer would be required to withdraw from the representation, see Rule 1.16(a), and, pursuant to Rule 1.6(c)(2), may disclose otherwise confidential information in order to prevent, mitigate, or rectify the consequences of the criminal or fraudulent conduct.
- 4 We do not address the two other exceptions to the general prohibition of Rule 3.7. See Rule 3.7(a)(3) (exception to prohibition of Rule where attorney's potential testimony "relates to the nature and value of legal services rendered in the case"); and 3.7(b) ("a lawyer may act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness . . .").

Young Lawyers Continued from page 35

into the world, they think about what kind of world they would like that new life to live in. I hope in my daughter's lifetime, it is a world where justice truly will be for all. □

NOTES

- 1 4 U.S.C. § 4.
- 2 Helen Respass, *Bridging the access to justice gap with legal pro bono*, THOMAS REUTERS (Oct 19, 2022), <https://www.thomsonreuters.com/en-us/posts/our-purpose/bridging-the-access-to-justice-gap-with-legal-pro-bono/>; see also, Nancy B. Grimm, *Why Pro Bono – A Legal Perspective*, MARYLAND ASSOCIATION FOR JUSTICE (Feb. 5, 2024), <https://www.mdforjustice.com/?pg=MAJRecentNews&blAction=showEntry&blogEntry=105538>
- 3 Conn. Practice Book § 6.1.
- 4 Conn. Practice Book §§ 6.1-6.5.
- 5 Kathleen Parker, *Want to be happy? Then don't be a lawyer*, THE WASHINGTON POST (Jan. 20, 2023), <https://www.washingtonpost.com/opinions/2023/01/20/jobs-happiness-lawyers-nature>.
- 6 If you are experiencing issues with your mental health, please seek help. See Lawyers Concerned for Lawyers Connecticut, Inc. (<https://lclct.org/>).
- 7 *Why Pro Bono*, CT Pro Bono (Sep. 26, 2024, 2:51 PM), <https://ctprobono.org/content/aboutus/whyprobono>; see also, Nancy B. Grimm, *Why Pro Bono – A Legal Perspective*, MARYLAND ASSOCIATION FOR JUSTICE (Feb. 5, 2024), <https://www.mdforjustice.com/?pg=MAJRecentNews&blAction=showEntry&blogEntry=105538>.
- 8 *Id.*
- 9 *Id.*
- 10 For information on the various programs, please visit <https://www.ctbar.org/members/volunteer-today/pro-bono>.

CLASSIFIED

Law offices for rent. 122 Main Street, New Britain, CT.

Located on the second floor. Conference room, with furniture, waiting area, and three separate offices. Ideal for a two to three lawyers' boutique. More space available in the building. Heat and electricity are included in the rent. High speed internet connection negotiable. Offices are totally renovated, previously occupied by retired lawyers. Walking distance (5 minutes) to New Britain Court House. \$1,900 per month. Total space 1100 square feet. 3-4 parking spaces on premises included. Call Jay, Property Manager, at 860-306-1069.

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION 1. Publication Title: CT Lawyer 2. Publication Number: 1057-2384 3. Filing Date: 10/01/24 4. Issue Frequency: 6 times/year 5. No. of Issues Published Annually: 6 6. Annual Subscription Price: N/A 7. Complete Mailing Address of Known Office of Publication: 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 Contact Person: Alysha Adamo, Telephone: (860)612-2008. Complete Mailing Address of Headquarters or General Business Office of Publisher: 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 9. Publisher: Connecticut Bar Association, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 Editor: Alysha Adamo, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 Managing Editor: Alysha Adamo, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 10. Owner: Connecticut Bar Association, 538 Preston Avenue, 3rd Floor, Meriden, CT 06450 11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities: None. 12. Tax Status: Has Not Changed During Preceding 12 Months 13. Publication Title: CT Lawyer 14. Issue Date for Circulation Data Below: 12/1/24 15. Extent and Nature of Circulation (Average No. Copies Each Issue During Preceding 12 Months/No. Copies of Single Issue Published Nearest to Filing Date): a. Total Number of Copies (Net press run): b. Paid Circulation (By Mail and Outside the Mail) (1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541: (4979/5141) (2) Mailed In-County Paid Subscriptions Stated on PS Form 3541: (0/0) (3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS: (0/0) (4) Paid Distribution by Other Classes of Mail Through the USPS: (0/0) c. Total Paid Distribution: (4979/5141) d. Free or Nominal Rate Distribution (1) Free or Nominal Rate Outside-County Copies included on PS Form 3541: (0/0) (2) Free or Nominal Rate In-County Copies included on PS Form 3541: (0/0) (3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS: (30/30) (4) Free or Nominal Rate Distribution Outside the Mail: (10/10) e. Total Free or Nominal Rate Distribution: (40/40) f. Total Distribution: (5019/5181) g. Copies not Distributed: (100/100) h. Total: (5119/5281) i. Percent Paid: (99%/99%) 16. Electronic Copy Circulation (Average No. Copies Each Issue During Preceding 12 Months/No. Copies of Single Issue Published Nearest to Filing Date) a. Paid Electronic Copies: (0/0) b. Total Paid Print Copies + Paid Electronic Copies: (4979/5141) c. Total Print Distribution + Paid Electronic Copies: (5019/5181) d. Percent Paid: (99%/99%) I certify that 50% of all my distributed copies (electronic and print) are paid above a nominal price. 17. Publication of Statement of Ownership: 12/1/24 18. I certify that all information furnished on this form is true and complete: Alysha Adamo, 10/01/2024

PREMIER SOLUTIONS for Connecticut Attorneys



WHY ATTPRO?

We have chosen to partner with Attorney Protective because their program offers innovative legal malpractice coverage with unrivaled risk management resources and expertise.

A TRUSTED NAME

The Attorney Protective program is underwritten by a member of the Berkshire Hathaway group of insurance companies, the epitome of financial strength and smart financial management, with each company having earned an A++ A.M. Best financial strength rating. Attorney Protective has the experience, expertise and financial staying power to protect your reputation, your practice and your assets.

PROGRAM HIGHLIGHTS

- Supplementary payments of up to \$150,000 per policy period (in addition to the policy limits), including:
 - Loss of earnings payments of up to \$500 a day, \$10,000 per claim and \$50,000 in aggregate, for your attendance at a trial, hearing or arbitration at our request
 - Disciplinary proceedings coverage of up to \$25,000 per proceeding and \$100,000 in aggregate
 - Privacy incident expenses reimbursement of up to \$25,000 in aggregate
 - Crisis event expenses reimbursement of up to \$25,000 in aggregate
- **\$25,000 of claims expenses paid per claim in every covered claim before the deductible applies**
- Four ways to reduce the amount a firm pays on its deductible by 50% (not to exceed \$25,000)
- Subpoena & pre-claim assistance
- Bar association discounts

UNMATCHED RISK MANAGEMENT RESOURCES

- Free CLE webinars
- Quarterly newsletters and client email alerts
- Risk Management Hotline staffed by claim attorneys
- Online tools including our exclusive Best Practices Database



WE ARE HERE TO HELP CONNECTICUT LAWYERS.

Contact Kronholm Insurance to protect your practice.

Call John Kronholm at (860) 665-8463 or jkronholm@bbofct.com
or Dan Flynn at (860) 665-8426 or dflynn@bbofct.com

Visit our website or scan to learn more about our offerings and services.



SCAN ME



55 Capital Blvd, Rocky Hill, CT 06067

A.M. Best rating as of June 30, 2021. Attorney Protective is a MedPro Group/Berkshire Hathaway company that protects the reputations and assets of attorneys across the nation. All insurance products are administered by Attorney Protective and underwritten by National Liability & Fire Insurance Company, AttPro RRG Reciprocal Risk Retention Group or National Fire & Marine Insurance Company – each of which has earned an A++ financial strength rating from A.M. Best. Product availability is based upon business and/or regulatory approval and may differ among companies. © 2021 Attorney Protective. All Rights Reserved.

Member of
NATIONAL SOCIETY
OF PROFESSIONAL
ENGINEERS (NSPE)

CONNECTICUT SOCIETY OF
PROFESSIONAL ENGINEERS
(CTSPE)

CONSULTING ENGINEERS and EXPERTS IN:

- Construction Accident Investigations
- Construction Defect Claims
- Construction Management
- Standard of Care for Engineers and Contractors
- Slips/Trips and Falls
- ADA compliance
- Variance and Land Boundary Issues
- Electrocution Matters
- Vehicular Accident Reconstruction
- Water Intrusion Cases
and more

**866•432•4677
203•658•3910**

PO Box 4532
Stamford, CT 06907

PO Box 394
Montvale, NJ 07645



FORENSIC ENGINEERING CONSTRUCTION MANAGEMENT INSPECTIONS

www.clmpe.com

*Serving clients throughout
the State of Connecticut*



Maintain an active case-load of working
with plaintiff and defense firms

Hundreds of investigations performed
and reports generated

Experience testifying in court along with
providing deposition testimony

Assisted in the settlement of
numerous cases

Craig L. Moskowitz, MBA, MS, PE, CME

Direct: 917•270•8822

clmprofessionalengineer@gmail.com