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FEATURES

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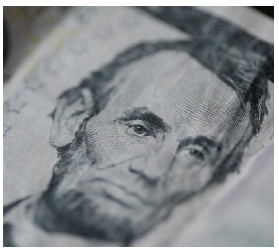

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Investing in Justice Preserves the Rule of Law and Protects the Independence of the Court

By JAMES T. (TIM) SHEARIN

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.

"**The judiciary plays a central role** in preserving the principles of justice and the rule of law in our state. Funding to provide adequate compensation to judges should be viewed as a small, but sound investment in our legal system."[1] That comment was one of several made by Chief Justice Raheem Mullins in his submission to the Connecticut Commission on Judicial Compensation requesting a raise for Connecticut judges to bring them to the "median salary received by all trial court judges from across the nation." The proposed raise would move their compensation from being ranked in 37th place to approximately 26th place.[2] He also advocated tying future raises to Consumer Price Index for All Urban Consumers, plus 2 percent, to mirror what other state employees have received over time.[3] The Commission was created by the state and has been charged to "[e]xamine the adequacy and need for adjustment of compensation" and make its recommendations to the legislature.[4]

Chief Justice Mullins cited six other reasons to justify the compensation increase he was advocating, including for example, the disparity in salary increases for judges over the last several years in comparison to other state employees, and the improved Connecticut economic climate. Much could be said about each of the reasons offered by His Honor, but it is important that we spend a couple of moments focusing on the judiciary's role in "preserving the principles of justice and the rule of law."

The Compensation Clause of the United States Constitution provides that judges "shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuation in Office."[5] The reason the provision was added to the Constitution is grounded in the need for an independent judiciary. "A Judiciary free from control by the Executive and the Legislature is essential if there is a right to have claims decided by judges who are free from political domination by the other branches of government."[6] In the Federalist Paper Nos. 78 and 79, Alexander Hamilton published one of his many essays on the importance of the judiciary in our three-branch form of government, the latter of which has often been referenced as the justification for the Compensation Clause. In the Federalist Paper No. 78, Hamilton referred to the Courts as the "bulwarks of a limited constitution against legislative encroachment" and emphasized that the "independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors… [which] might occasion dangerous innovations in the government and serious oppressions of the minor party in the community…."[7]

In his subsequent essay, Hamilton spoke directly to the compensation issue: "A POWER OVER A MAN'S SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL. And, we can never hope to see realized in practice, the complete separation of the judicial form of legislative power, in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter."[8] While there was discussion about establishing a fixed salary per judges at the time the Constitution was being drafted, it was ultimately decided that the compensation should be decided "at Stated Times." Hamilton's words were prescient of where we find ourselves today: "It will readily be understood that the fluctuations in the value of money and in the state of society rendered a fixed rate of compensation in the Constitution inadmissible. What might be extravagant today, might in half a century become penurious and inadequate."[9]

There is no Compensation Clause in Connecticut's Constitution. However, since 1818, the independence of Connecticut's judiciary as a third branch of government has been firmly established.[10] And, its role in protecting the rule of law, like that of its sister courts across the country, remains of paramount importance. Increasingly, over the last several years, issues that might be defined in Hamilton's words to be "dangerous innovations in the government" or "serious oppressions of the minor party in the community" are being litigated in state court.[11] Indeed, hardly a day goes by where we are not confronted with a headline-capturing case that has found its way in the courts, pressing a politically divisive question—the answer to which has a profound impact on our societal relationship to one another. As the Chief Justice noted in his report, "it is clearly in the state's best interest to attract highly qualified, diverse and experienced attorneys from various legal backgrounds to serve as judges."[12] These judges are the ones who "guard the Constitution and the rights of individuals" from "dangerous innovations in the government."

Chief Justice Mullins is right, we have been fortunate that "so many attorneys have decided to pursue a judgeship,"[13] but that will not continue if we cannot attract future nominees and lose the most experienced of our judges because we do not pay them a fair wage. There are many reasons judges are entitled to the raise advocated by the chief justice, but we cannot let the most important one get lost in the eventual budget-based determination that may be made. The judiciary cannot fulfill its function as an independent third branch of government, dedicated to protecting the rule of law, if the seats on the court are vacant.

We often view judges as performing a "public service" or refer to them as "public servants." Too often, however, we neglect to appreciate what that service is and what role they play as servants. On a daily basis that service involves moving the court's business, but however mundane it may seem to some, that business embodies the rule of law, and for many that rule of law is defining what happens to their liberty. In other instances, our judges are confronted with those cases that define ourselves as a society. We need the best and the brightest to be our judicial public servants, and we need to pay a sufficient wage to attract and retain those individuals. To not do so is to undermine the role of the judiciary as an independent third branch of government. ■

NOTES

1 Submission of The Connecticut Commission on Judicial Compensation by Chief Justice Raheem L. Mullins, November 12, 2024, available at, https://www.cga.ct.gov/jud/tfs/20201022_Commission%20on%20Judicial%20Compensation/20241112/Chief%20Justice%20Raheem%20Mullins%27%20Report%20to%20the%20Commission%20on%20Judicial%20Compensation.pdf, at p.14.

2 *Id*. at p. 3.

3 *Id*.

4 Conn. Gen. Stat. § 51-47c.

5 United States Constitution, Art. III, § 1.

6 *United States v. Will*, 449 U.S. 200, 217-18 (1980).

7 Federalist No. 78, available at, https://guides.loc.gov/federalist-papers/text-71-80.

8 Federalist No. 79, available at, https://guides.loc.gov/federalist-papers/text-71-80.

9 *Id*.

10 Connecticut Constitution, Art. V.

11 Federalist No. 78, available at, https://guides.loc.gov/federalist-papers/text-71-80.

Continued on page 36 →

CBA Hosts 2024 Presidential Fellows Dinner

On December 3, the annual CBA Presidential Fellows Dinner took place at Grassy Hill Country Club in Orange, where Association leaders and past fellows introduced and discussed the program with the current class of fellows.

At the dinner, the 2023-2025 and 2024-2026 presidential fellows as well as additional attendees enjoyed a panel presentation moderated by CBA President James T. (Tim) Shearin. The panel consisted of three past presidential fellows: CBA Presidential Fellows Committee Chair Yamuna Menon, CBA Membership Committee Co-chair Kyle LaBuff, and Johnny Ross III.

The dinner marked the first in-person event for this year's new fellows: Chelsea Donaldson, Danielle A. Erickson, Kara Newell, Benjamin B. Paholke, and Jasjeet Sahsani. CBA Presidential Fellows Committee Chair Yamuna Menon and CBA President James T. (Tim) Shearin began the event by welcoming the new fellows to the program. "These are the folks that define the profession," stated Shearin, referring to various past presidents and other leaders of the Association attending the event. "What I would encourage all of you, as fellows, to do is to aspire to these folks who really represent people who have become ambassadors to the profession and help it move forward."

During the panel discussion, President Shearin asked each of the panelists about the reasons they had for applying for and participating in the Presidential Fellows program. Attorney Menon noted that the program helped her to connect with other members of the bar and develop as a leader. Attorney LaBuff explained that the fellows program helped him to "build relationships, learn the craft, and see what the CBA does." Attorney Ross pointed out that the program provided great opportunities to network with Connecticut attorneys when he was a new member of the CBA who had attended law school outside of the state.

The CBA Presidential Fellows Program was launched in 2015 as a prestigious leadership development program for the future leaders of the Connecticut legal profession. New Presidential Fellows are selected each year and assigned to the executive committee of a sponsoring CBA section. Graduates of the

The current CBA Presidential Fellows were joined by the program's alumni during the event. The 2024-2026 Presidential Fellows are the 10th class of fellows since the program's initiation in 2015.

program have gone on to hold prominent leadership positions within the Connecticut Bar Association and the Connecticut legal community at large.

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

(L to R) CBA Presidential Fellows Committee Chair Yamuna Menon; 2024-2026 Presidential Fellows Danielle A. Erickson, Kara Newell, Jasjeet Sahani, Benjamin B. Paholke, Chelsea Donaldson; and CBA President James T. (Tim) Shearin

IN MEMORIAM

Paul Litman passed away on January 7, 2025. He earned his B.A. from American International College and his J.D from Boston University Law School. After graduating from law school, Attorney Litman moved to the greater Hartford area. He spent the majority of his 40+ year career working for the firm of Clayman, Markowitz, Litman and Tapper in Bloomfield, CT before retiring in the early 2000s and later relocating to Florida.

Hon. Jeffrey Alker Meyer passed away on January 12, 2025. In 1985, he graduated with a B.A. from Yale University majoring in economics and history and was awarded a Fulbright Scholarship to continue his studies on communities in poverty and rural development in Ecuador. Judge Meyer graduated with his J.D. from Yale University Law School in 1989, afterwards serving as a law clerk for United States Court of Appeals for the Second Circuit Chief Judge James L. Oakes and United States Supreme Court Associate Justice Harry A. Blackmun. Following these clerkships, he spent a year working for Vermont Legal Aid, representing people in mental health commitment cases. Judge Meyer then served as an Assistant U.S. Attorney in New Haven for nine years, becoming appeals chief and earning Department of Justice Director's Awards in 1999 and 2002 for his excellent work investigating and trying difficult document-intensive environmental and white-collar cases. In 2004, he left the US Attorney's Office to serve under then Chair of the Federal Reserve Paul Volcker as senior counsel to the United Nations' global investigation of bribery and corruption in its oil-for-food program. He later entered academia, teaching international law, legal ethics, criminal procedure, and environmental law at Quinnipiac Law School and co-teaching the Supreme Court Advocacy Clinic at Yale University. He was confirmed to the federal district court bench in 2014, where he served for the remainder of his life. Additionally, he served as an ex-officio member of the CBA Federal Practice Section's Executive Committee.

Support the Judge Herb Gruendel Memorial Fund

On December 17, 2024, retired Connecticut Appellate Court Judge F. Herbert Gruendel passed away. In addition to an extensive judicial career, Judge Gruendel was known for his lifelong passion for learning and teaching. He earned his BA from Drew University in 1969, and three Master of Arts degrees: one from the University of Maryland in 1971, another from the University of Pennsylvania in 1974, and a third from Rutgers University in 1976. He also held a certificate in theology from Hartford Seminary, where he studied middle eastern religions. Before attending law school, Judge Gruendel began his career as a public school teacher and principal for 12 years.

In 1984 Judge Gruendel graduated with honors from the University of Connecticut School of Law and began his career as a litigator in New Haven at the law firm of Jacobs, Grudberg, Belt & Dow. In May 1998, he was appointed to the bench as a superior court judge working in the family court division in the Hartford Judicial District. Deeply respected as a family court judge, he was then appointed as the chief administrative judge for the Family Division of the Superior Court in 2001. In 2005, Governor M. Jodi Rell nominated Judge Gruendel to the appellate court, where he served with distinction until his mandatory retirement from the bench at 70. Afterwards, he continued to serve as a judge trial referee.

The Gruendel Fund at the Connecticut Bar Institute was endowed in 2023 by the Honorable F. Herbert Gruendel, his wife, Janice Gruendel, Ph.D., and their family and friends in honor of Judge Gruendel's outstanding career as an educator and jurist for the state of Connecticut. The Gruendel Fund supports the CBA's commitment to Connecticut schools by providing assistance for necessary expenses such as transportation and registration costs associated with participation in the CBA's mock trial program. Being an educator fostered his passion for mock trial competition so that students can experience and learn about the rule of law.

Please consider making a donation to the fund at ctbar.org/Gruendelfund.

Upcoming Education Calendar

Register at ctbar.org/CLE

FEBRUARY

2/10 Connecticut Parentage & Unique Considerations for LGBTQ Clients✦

2/11 Non-Compete Agreements: Navigating the Ever-Changing Landscape✦

2/13 Lawyers Have Heart: The Importance of Cardiovascular Health for the Legal Profession✦

2/18 State Privacy Laws Going into Effect in 2025✦

2/19 Drafting Effective Engagement Letters: Tools for the Ethical Lawyer✦

2/25 LGBTQ+✦

2/27 Run an Efficient Law Practice by Making the Most of Technology✦

MARCH

3/4 Education✦

3/5 Lawyer Like an Athlete✦

3/6 Mastering Financial Management for Law Firms: Essential Budgeting Skills for Success✦

3/11 Appellate Law✦

3/12 Ethics of Investigations✦

3/27 Real Property✦

3/27 Annual Advanced Labor and Employment Law Symposium✦

3/31 Health Law✦

APRIL

4/1 Intellectual Property✦

4/23 HR Law Basics for Solo and Small Firms

4/27 Real Property✦

4/28 Commercial Law and Bankruptcy

MAY

5/1 Arbitration Institute

5/2 More Effective Writing Makes More Effective Lawyers

5/6 Elder Law✦

5/7 Succession Planning✦

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PEERS AND CHEERS

Marisa M. Engel has joined the law firm of Nuebert Pepe & Monteith PC as an associate. Attorney Engel represents clients in the areas of commercial finance and banking as well as real estate law.

Berchem Moses PC recently elevated Rebecca Goldberg, Matthew L. Studer, and Paul A. Testa to partners at the firm. **Rebecca Goldberg** joined the firm as an associate in the Milford office in 2014 and was promoted to senior counsel in 2023. She partners with human resources professionals and business managers to counsel them through the most challenging workplace situations. **Matthew L. Studer** joined the firm as an associate in 2014. Attorney Studer practices in the Westport office in the areas of civil litigation, land use and zoning, and municipal law. **Paul A. Testa** joined the firm as senior counsel in the firm's Labor & Employment practice group in 2020. He has practiced labor and employment law in Connecticut since 2007 and advises both public and private sector employers on an array of personnel, labor, and employment matters.

McCarter & English announced on October 16 that the attorneys and staff of Harrington & Smith have combined with their firm. Among those joining McCarter & English is named partner **Mark Harrington**, and associate **Monica Laskos**.

Lawyers for Children America (LFCA) celebrated its 30th anniversary in November. LFCA recruits and trains committed lawyers from premiere law firms and corporate legal departments, whose legal counsel ensures the child client's desires are made known to the court.

Cummings & Lockwood LLC is pleased to announce that **Brianna L. Marquis**, an attorney in the firm's Private Clients Group based in its West Hartford office, has been elected to principal. Attorney Marquis joined Cummings & Lockwood in 2017 and counsels high net worth individuals in the areas of trust and estate planning, charitable giving, tax-efficient wealth transfers, and related residential real estate transactions.

Shipman & Goodwin LLP announced the relocation of its Stamford office to a modern, 17,000-square-foot, state-of-the-art space at 400 Atlantic Street in the heart of Stamford's business district.

Kahan Krensky Capossela LLP, now operating as KKC Law, is pleased to announce the addition of **Jennifer M. Vincenzo** as an associate attorney to their firm focusing on estate planning, probate, elder law, and family law.

BGM Law Group LLP has announced that **Kristen Zaehringer** has joined their firm as a partner. Attorney Zaehringer is a commercial litigator whose practice focuses on commercial litigation and arbitration, employment law counseling and disputes, contract negotiation and litigation, and appellate work. Her clients span a broad range of industries, including healthcare, manufacturing, communications, and entertainment.

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Connecticut Bar Association

CONNECTICUT BAR ASSOCIATION WELCOMES
LINA LEE AS NEW EXECUTIVE DIRECTOR

The Connecticut Bar Association (CBA) is pleased to announce Lina Lee as its new Executive Director, effective January 2, 2025. Lina brings extensive leadership experience, a strong commitment to justice, and a proven track record of innovation, positioning her to guide the CBA into its 150th anniversary year, a new chapter of excellence and service to its members.

Lina is the founder and former Executive Director of Communities Resist, a legal services organization for housing justice in New York City. Under her leadership, the organization experienced remarkable growth, serving more than 4,000 community members and managing a $6 million budget. Communities Resist has been recognized as one of the largest providers of high-impact affirmative legal services, offering group representation to address discrimination, harassment, and civil rights issues.

Throughout her career, Lina has demonstrated a profound dedication to equity and access to justice. Her experience spans representing underserved populations in complex legal matters, addressing systemic challenges, and advocating for impactful reforms. Lina's work includes building collaborations with community stakeholders and coalitions, influencing policy and legislative changes at multiple levels of government, and engaging with key decision-makers to shape reforms that align legal solutions with broader community needs and objectives.

In addition to her professional achievements, Lina has a longstanding commitment to service within the legal community. She has actively contributed to advancing access to justice and strengthening the legal profession through her leadership and involvement with the Housing Court Advisory Council, Pro Bono Committee, nonprofit boards, and city and state-wide bar associations. These roles have allowed her to collaborate with leaders across the legal sector to promote equity, inclusion, and initiatives that address systemic challenges.

Lina's contributions to the legal field have been widely recognized. She was named to the *2021 Nonprofit 40 Under 40*, the *2022 and 2023 Nonprofit Power 100* by *City & State New York*, and the *2024 AAPI Power Players* by *PoliticsNY* and *amNY Metro*. She is also an alumna of the Coro Immigration Civic Leadership Program, where she spearheaded initiatives such as language service programs in housing courts.

Lina earned her B.S. from Cornell University and her J.D. from Boston University School of Law. Her commitment to fostering a vibrant and inclusive legal community aligns seamlessly with the values and mission of the CBA.

"It is with great enthusiasm that we welcome Lina as the new Executive Director of the CBA. Her impressive achievements demonstrate her readiness to lead our organization and enhance the vital support we provide to members and the Connecticut legal community," said CBA President James T. (Tim) Shearin. "I look forward to her passionate leadership, resourcefulness, and commitment to advancing our initiatives and ensuring the long-term success of our mission."

"I am deeply honored to join the Connecticut Bar Association as Executive Director," Lina shared. "The CBA has a long-standing history of advancing the legal profession, fostering excellence, supporting the growth of its members, and promoting justice. As we look to the future, I am excited to build on this strong foundation by driving innovation, fostering collaboration, and ensuring that all of our members feel supported and valued. My focus will be on expanding programming that empowers our members to excel in their practice, strengthening community engagement, and advancing diversity and inclusion within the legal profession. Together with the talented staff and dedicated leadership, we can embrace the challenges and opportunities ahead while strengthening our collective impact on the legal community and the public we serve. I am committed to working alongside our incredible members, leaders, and staff to create a vibrant, inclusive, and forward-thinking Association that continues to lead the way in supporting Connecticut's legal professionals and beyond."

Please join us in welcoming Lina Lee to the CBA. Her leadership, vision, and dedication to justice will be invaluable as the Association continues to support and elevate Connecticut's legal professionals.

"My focus will be on expanding programming that empowers our members to excel in their practice, strengthening community engagement, and advancing diversity and inclusion within the legal profession."

ABRAHAM LINCOLN

Takes a Break from Politics, 1849 To 1854

By HON. HENRY S. COHN

Image credit: wynnter/Getty Images

THIS ARTICLE REVIEWS THE PERIOD FROM **1849** TO **1854** during which Abraham Lincoln fully developed his legal skills and appeared to set aside his burning desire to succeed politically.

After eight years of service in the Illinois legislature, Lincoln achieved his goal of serving in the U.S. House of Representatives. Elected in 1846, he served one unhappy term from 1847 to 1849 in the House.

The first upset involved his future election plans. He had, in 1846, committed to running only once, allowing his Whig Party of Springfield, IL, to name another candidate for the 1848 election. But during his term in Congress, he was encouraged by certain Illinois Whigs to break his promise and seek a second term. However, in the midst of his term, he was informed that his local Whig Party in Springfield was not going to nominate him again. The party had made promises to another person interested in running in November 1848 as the Whig nominee.

Secondly, Lincoln's legislative agenda was a disaster. During Lincoln's term in the House, he abandoned, for lack of support, his effort to abolish slavery in the District of Columbia. He also created an embarrassing situation for himself by opposing President Polk's ongoing Mexican War. He demanded to know the exact "spot" where American blood had been shed by the Mexicans, Polk's ground for starting a war with Mexico. Lincoln's opponents accused him of being unpatriotic and mocked him as "Spotty Lincoln."

In 1848, Lincoln vigorously campaigned throughout New England for Zachary Taylor, the Whig candidate for president, and Taylor won the 1848 election. Lincoln was disappointed not to be offered a patronage appointment by the Taylor administration, other than an offer to become governor of the Oregon Territory, which he rejected.

Lincoln returned to Springfield in 1849 without a legislative job, and with his law practice, except for longstanding debt collection matters, less than active. He vowed to abandon any further political involvement. Rather, he would devote his energy, as he put it, "more assiduously," to the practice of law.

One of the first cases that he accepted after his congressional term ended was *McAtee* v. *Enyert* (1849-1852). The *McAtee* case is one example of why Lincoln is known as "Honest Abe." In this case Lincoln championed honesty in land transactions.

On his father's death, Enyert inherited 15acres of land from him. Shortly after, Enyert was charged with larceny for stealing a pair of shoes. McAtee, a supposed friend of Enyert, met Enyert in a local tavern. He offered to give Enyert a horse and saddle as well as $200 so that Enyert could leave town and avoid the pending criminal charge. In exchange, Enyert would have to deed the 15 acres to McAtee. Enyert agreed and deeded the land to McAtee.

But Enyert never left town. Instead, he pled guilty to larceny and received a sentence of a $10 fine. Enyert had realized that he had made a bad bargain with McAtee, because his land was worth more than a horse, saddle, and $200. Enyert retained Lincoln to obtain an increased price for the acreage.

Lincoln had handled at least 30 cases where he sued buyers to increase the amount that they had paid for land under similar circumstances. In representing Enyert, Lincoln had to overcome the fact that McAtee had received a ruling of a board of three commissioners that had reviewed the transaction and found it fair.

Lincoln developed proof for the court that Enyert was an alcoholic and that the deal between Enyert and McAtee had

occurred in a tavern when Enyert was inebriated. The trial judge, David Davis, found for Enyert. Shortly after the ruling, McAtee died and his heir took an appeal to the Illinois Supreme Court. Lincoln continued as Enyert's attorney on appeal.

On February 11, 1852, Chief Justice Treat wrote an opinion for the Illinois Supreme Court affirming Judge Davis's finding that McAtee had taken advantage of Enyert. McAtee was "shrewd and unscrupulous," while Enyert was "an ignorant and weak-minded man at best, and incapable of the rational management of his affairs when under the influence of spirituous liquor."[1] The case became an important precedent for setting aside improper or dishonest Illinois land transactions.

After returning to Illinois, Lincoln renewed his grueling travel through the Eighth Judicial Circuit. In 1849, there were nine county seats in the Circuit, and by 1852, the legislature had increased them to fourteen.

The distance between each county seat was far, and the travel was difficult. Lincoln and his fellow attorneys traveled by horse and cart in rough weather and through much mud. They roomed in run-down inns and endured bad food. Lincoln was a close friend of Judge Davis, who traveled with the attorneys through the Circuit. Later, when president, Lincoln appointed Davis to the U.S. Supreme Court.

While most attorneys complained about the traveling conditions, Lincoln enjoyed himself much of the time.[2] Local citizenry flocked to county seats in the Circuit to watch the attorneys try cases and, after court adjourned, to enjoy the entertainment provided by the attorneys, such as poetry reading or storytelling. The locals later served as resources for historians, relating how thrilled they were by Lincoln's clever cross-examinations and summations to the jury.[3]

The civil cases that Lincoln tried from 1849 to 1854 on the Circuit were often family matters. For example, in a divorce case, Lincoln represented a woman trying to obtain a real property award from her husband, who owned several tracts of land. Failing in the trial court to obtain for her what he considered appropriate, Lincoln took an appeal to the Illinois Supreme Court, but, in *Stewardsen* v. *Stewardsen* (1852), he lost there too. In *Ex Parte Milikin* (1850), however, Lincoln was successful in obtaining a conservatorship for a man who claimed that his wealthy brother was incapable of managing his own finances.

Lincoln also frequently represented

plaintiffs in suits for slander under an Illinois state statute. He received several favorable verdicts, but, as Lincoln scholar Mark Steiner has noted, Lincoln also tried to be a peacemaker between the parties. He urged the parties to mediate or negotiate to achieve a non-monetary compromise. Often, the slander was tragically interfamilial, where payment of money was hurtful.[4]

A good example of Lincoln's criminal cases from this period is *State v. Loe* (1852). Lincoln, on a court appointment, represented Loe on a charge of murder. The prosecutor seemed to have a strong case, because Moses Loe had struck and stabbed his victim. Due to Lincoln's efforts, however, the jury acquitted Loe of murder and found him guilty only of manslaughter. The judge imposed a sentence of eight years. After four years, Lincoln, members of the jury, and community figures petitioned the governor for a pardon, which he granted.

Upon release, Loe took up farming, married, and had children. During the Civil War, he joined the Union army and became a casualty in 1864. It seems ironic that, after Lincoln had benefited Loe as his attorney, Loe benefited the Union cause, which Lincoln led.

In 1849, Lincoln found another set of clients, representing the newly booming Illinois railroad corporations. He took on a variety of railroad cases, sometimes as a plaintiff's attorney and sometimes representing a railroad as defendant. He disputed the state's imposition of taxes on railroad businesses, litigated a railroad's claims of breach of contract, and defended the railroads against suits for injuries caused by railroads. Lincoln received his largest fee as an attorney, $5000, for his successful representation of the Illinois Central Railroad in a tax case.

One of the first railroad cases that Lincoln handled commenced in the trial court and found its way to the Supreme Court in 1851. *Alton & Sangamon Railroad* v. *Barrett* featured a defendant who refused to pay his subscription to support the railroad. These pledges or subscriptions, authorized by the Illinois legislature, were sought by a new railroad to support its commencing operations.

The defendant claimed that the railroad planners had changed the course of the line to a route not to his liking. He argued that this excused his obligation to pay the amount he had promised to pay to the railroad.

Image credit: Halfdark/Getty Images

Lincoln convinced the Illinois Supreme Court that the change of the route, except if extraordinary, did not excuse the defendant from his pledge. Lincoln had several other cases where he prevailed for railroads seeking to enforce pledges.

These non-political years were not always pleasant for Lincoln. A politician whom he greatly admired, Henry Clay, died in 1852. After Clay's passing, Lincoln addressed a gathering of Whig officials and said that Clay, who had been a slave owner, was devoted "to the cause of human liberty." Clay, stated Lincoln, supported the gradual emancipation of slaves in Clay's home state of Kentucky.

During these years, Lincoln worried about his future career and occasionally suffered from depression. He was buffeted by the death of his father on January 17, 1851, and even more by that of his three-year-old son Eddie on February 1, 1850.[5]

In May 1854, with Illinois Senator Stephen A. Douglas as its leading proponent, Congress passed the Kansas-Nebraska Act, which allowed newly admitted states to vote whether to accept slavery. Douglas called his doctrine "popular sovereignty."

Lincoln furiously objected to popular sovereignty. He traveled to Peoria, IL on October 16, 1854 to deliver an address attacking the doctrine. According to Lincoln, popular sovereignty, in effect, repealed the Missouri Compromise and the Northwest Ordinance, both of which had limited slavery in specified areas. Lincoln declared that no human being had a right to enslave another human being. With the Peoria address, as a member of the newly created Republican Party, Lincoln again took up politics. ■

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

NOTES

1 From 13 Ill. 242.

2 In 1849 on the circuit, Lincoln met attorney Leonard Swett and they became lifelong friends. Swett was an advisor to Lincoln as president and accompanied him to Gettysburg. After Lincoln's death, Swett established a successful law firm in Chicago. He was an attorney for an executive of a Hartford insurance company, the Charter Oak Life Insurance Company, in 1878.

3 H. Cohn, *Abraham Lincoln at the Bar*, The Federal Lawyer, May, 2012, p.52.

4 *See* Steiner, Volume 16, Journal of the Abraham Lincoln Association, p.2.

5 Lincoln had four sons, Robert, Eddie, Willie, and Tad. Only Robert lived to adulthood. He became a prominent attorney in Chicago.

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Strategic Planning for Solo and Small Law Firm Success:

Building a Profitable and Sustainable Practice

By BY DARREN P. WURZ

Running a solo or small law firm presents unique challenges and opportunities. As a small firm owner, you may wear a lot of hats—business owner, chief operation officer, chief financial officer, lawyer, etc. You don't have the infrastructure of a larger firm at your disposal.

As a result, it's easy to get bogged down in the day-to-day and lose focus on your long-term goals. This leads to staying stuck in the grind. Strategic business planning provides a roadmap to help you clarify your long-term goals, identify action steps to get there, and stay focused on execution.

This article explores two foundational components of strategic planning—developing a clear business vision and fostering a culture of relentless execution. Together, these elements empower solo and small law firms to grow, differentiate themselves in competitive markets, and achieve lasting success.

Developing a Clear Business Vision

A strong business vision is the starting point for any strategic plan. It provides direction, inspires the team, and ensures that every decision aligns with long-term goals.

1. DEFINING YOUR PURPOSE

The foundation of a strategic vision lies in understanding your law firm's purpose. Why does your firm exist? What values define your work? This is your higher calling. It should be big and inspiring—bigger than simply your practice area or making money. Establishing a purpose statement that reflects your firm's mission ensures clarity for your team and clients alike.

For example, Tesla's purpose statement is: *"To accelerate the world's transition to clean energy."* Notice how big and inspiring this purpose statement is. It's not about cars or making money, it's about impacting the world and making a difference.

Supporting this are your firm's core values, which shape your firm's culture and client relationships. Core values should be your first exercise in developing your business plan. Your core values should reflect your unique personality as a law firm owner and as a law firm. They should be things that truly set you apart from other law firms.

Dispose of the overly used words like integrity, hardworking, excellence. These are vague and uninspiring. Use phrases to make your core values more specific and unique to you. For example, replace integrity with something like "commitment to the truth." Your core values become your guiding principles for hiring, employee reviews, and how you interact with clients.

2. CRAFTING A BIG GOAL

Your firm's 10-year vision—or "Big Hairy Audacious Goal" (BHAG)—is the ultimate destination. This goal challenges the firm to dream big while staying rooted in its core values. Your big goal should be huge—bigger than you think possible.

There is some special magic in crafting a big goal. In their book *10x Is Easier Than 2x*, Dan Sullivan and Ben Hardy make this case. When your goal is to multiple your business by 10, rather than 2, you start to think differently, you think less about how hard you have to work and more about the infrastructure you need to build. I challenge you to make a 10-year 10x goal for your business.

Achieving this vision is easier than you think. Take your 10x goal and break that down to 5 years, 1 year, and 90 days. What revenue and profit do you need to achieve at those intervals to be on track to your 10x goal? And what KPIs (key performance indicators) do you need to reach to achieve your goals at those intervals? These become the targets for your business.

3. TRANLSATING VISION INTO ACTION STEPS

A vision without action is merely a dream. Once you know your KPIs and goals, you can determine what action steps you need to take along the journey to your 10-year vision. Break it into achievable milestones:

- **3-5 Year Strategic Intent:** Define the key moves required to stay on track toward your 10-year vision.
- **Annual Goals:** Focus on measurable outcomes that align with your long-term objectives.

- **Quarterly Priorities (or "Rocks"):** Break down your annual goals into bite size chunks that you can achieve each quarter. These are not your ordinary business operations–these are things that will move your business forward toward reaching your 10-year vision.

Building a Culture of Relentless Execution

While a vision sets the destination, execution ensures progress. Many business plans fail not because they lack ambition, but because they falter in implementation. For solo and small firms, creating a culture of relentless execution is essential.

1. ACCOUNTABILITY AND TEAM ALIGNMENT

Accountability drives results. Weekly team meetings help align goals, address obstacles, and ensure follow-through. Even in a small firm, clearly defined roles and responsibilities prevent inefficiencies and ensure everyone is rowing in the same direction. Have a clearly defined and timed agenda for these meetings to ensure efficiency.

2. Establishing Operational Rhythm

Consistency fosters progress. Implement regular reviews to evaluate performance and refine strategies:

- **Weekly Meetings:** Align the team, review KPIs and rocks, and solve immediate challenges.
- **Monthly Reviews:** Analyze key performance indicators (KPIs) and adjust tactics, review employee progress.
- **Quarterly Planning Sessions:** Assess broader progress and set new priorities, review employee performance.
- **Annual Leadership Retreats:** Reflect on the firm's strengths, weaknesses, opportunities, and threats (SWOT).

These routines create a cadence of progress that keeps the firm moving toward its long-term vision.

3. MEASURING SUCCESS THROUGH METRICS

What gets measured gets improved. Establish KPIs that reflect your firm's goals. Measure these weekly with your team so that you know where you're heading. For example, a family law practice might track new client acquisitions, case resolution times, and client satisfaction scores. Use this data to inform decisions and identify areas for improvement.

4. OVERCOMING COMMON CHALLENGES

Execution is not without hurdles. Small firms often face limited resources and competing priorities. Address these by focusing on efficiency: streamline processes, delegate effectively, and invest in tools that reduce administrative burdens. Mitigate risks by staying adaptable to market changes and client needs.

Conclusion

Strategic planning is not just a tool for large firms. It is a necessity for solo and small law practices striving for long-term success. By developing a clear business vision and building a culture of relentless execution, solo and small law firms can thrive in a competitive legal landscape.

The journey begins with a single step. What's yours? ■

Darren P. Wurz, CFP®, is the Founder & CEO of The Lawyer Millionaire Founders Network, a premier membership community offering tailored financial and business planning solutions for ambitious law firm owners nationwide. As the host of The Lawyer Millionaire Podcast and author of the ABA-published book The Lawyer Millionaire, Darren empowers attorneys to achieve financial independence, build thriving practices, and connect with like-minded peers.

Join the Solo and Small Firm Section:

A Growing Community for Practitioners

By JAMES (JAKE) DUNIGAN

In November 2024, the CBA Solo and Small Firm Section resumed regular meetings. With a fresh focus and renewed energy, the section is eager to support and connect attorneys to tackle the challenges of running practices and opportunities to grow referrals and revenue.

According to a 2016 ABA study, nearly half of all attorneys practice solo, yet the section currently has just 158 members—a number that reflects significant potential for growth. This is an exciting time to join a section that is actively rebuilding and expanding its offerings to better meet the needs of practitioners.

Unlike other sections that center on specific areas of law, the Solo and Small Firm Section focuses on the challenges involved in the practice of law. We aim to deliver practical resources, solutions, and opportunities tailored to the unique needs of solo and small firm attorneys. Whether it's running a small business, building a client base, or balancing work and life, keeping up with the changes in the law, the section is committed to providing resources and fostering connections that make solo and small firm practice rewarding and successful.

The section is also collaborating with the Bar's ongoing series on solo and small firm practice, the Solo/Small Firm CLE Series, offering opportunities for members to provide input and shape future programs.

Whether you are seeking practical tools, fresh ideas, or simply a chance to network and refer business with peers who understand your professional path, we invite you to join us at an upcoming meeting. Together, we can grow this section into a thriving community that supports solo and small firm attorneys at every stage of their careers.

To learn more and get involved with the Solo and Small Firm Section, visit ctbar.org/SoloSmallSeries. ■

James (Jake) Dunigan practices at Dunigan Law, focusing in the areas of home improvement contracts, consumer rights, lost wages and hours, and contract and document review. He is the chair of the CBA's Young Lawyers Section Solo & Small Firm Committee.

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Top Human Resources Issues

Solo/Small Firms Need to Know

By ROBIN KALLOR

You opened your own firm for a variety of reasons. Perhaps you want to "run your own show" and have certain flexibility over your work and your work/life balance. Possibly, you opened your own firm because you do not want to share in the overhead of others. Maybe you want to wear jeans or even sweatpants to the office when you do not need to go to court or meet with a client. These are valid justifications for doing so and presumably, there are many others. But I would venture a guess that you did not open your own firm because you wanted to deal with the nuances of human resources issues. In fact, I reckon you have had at least one moment while running your solo/small firm when you regretted your decision due to a human resources headache in one way, shape, or form. Understandably, you want to focus on meeting deadlines, helping clients, and feeling challenged and fulfilled and did not realize how much time, effort, and knowledge is involved in managing human resources issues—even for only one or two employees.

Is picking out your own coffee flavor and wearing comfy clothes to the office worth this additional full-time job managing these issues? I'm here to say YES and to give you some highlights to make the task less daunting. Please don't rely on this as an exhaustive list. It's a list of major issues that we see routinely surfacing with small employers.

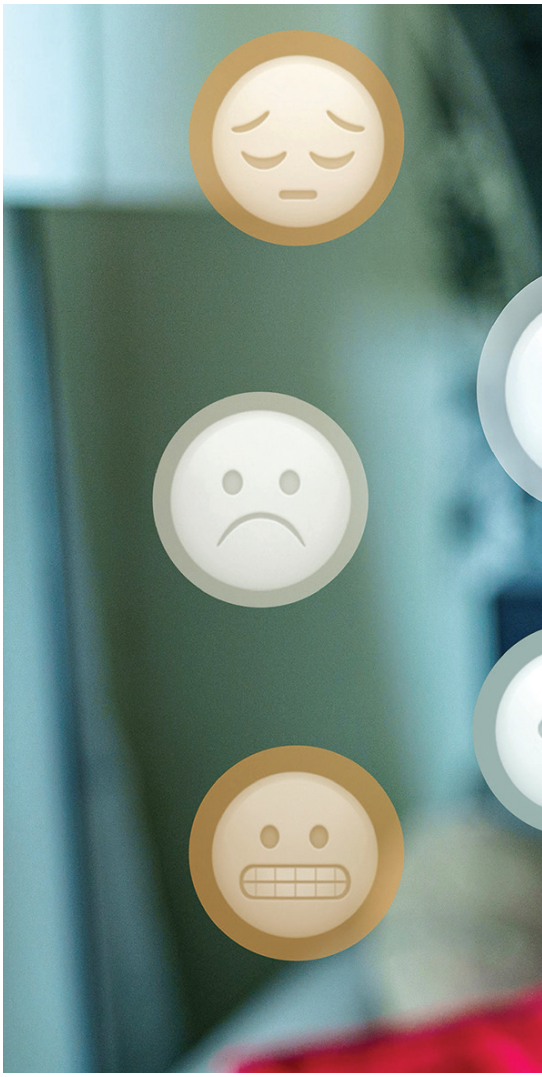
1. "At Will": Yes, Connecticut is an "at-will" state, but "at-will" simply means that employees can be terminated for any reason *not prohibited by law*. But there are so many legal prohibitions making it inadvisable to terminate employees without evaluating potential risk.

2. Offer Letter: State law requires employers to inform employees at the time of hire the rate of remuneration, hours of employment, and wage payment schedules. Make sure to include an at-will disclaimer in an offer letter to avoid breach of contract claims. Employers must provide a wage range for the position either upon request or in the offer letter (whichever is earlier).

3. Ban the Box: State law prohibits employers from asking applicants about criminal convictions in the initial application form or at the initial step in the application process. Any sort of background check should be done after a conditional offer. The Fair Credit Reporting Act governs disclosures before a third party performs the background investigation and before a decision is made to take action based upon the report.

4. Salary History: Employers cannot ask an applicant about salary at prior employment and cannot prohibit employees from discussing their own compensation with each other.

5. Discrimination/Harassment/Retaliation: State law prohibits employers from discriminating against employees (or harassing them) on the basis of a protected class. Here are examples of the most common protected classes: race (including ethnic traits historically associated with race, such as hair texture and protective hairstyles); color; reli-



gion; national origin; sex; sexual orientation; gender identity or expression; pregnancy and pregnancy related medical conditions (including childbirth, lactation, and disabilities relating to pregnancy, childbirth, and reproduction); age; physical, mental, or intellectual disability or handicap; citizenship status; marital status; service member/veteran status; genetic information; victim of domestic violence status; filing workers' compensation claim; prior complaint of harassment or discrimination. Employers cannot refuse to hire or take adverse action against individuals because of their membership in the protected class. Moreover, employers cannot ask questions during pre-employment process that would elicit information about protected class.

6. First Amendment Retaliation: State law (Conn. Gen. Stat. § 31-51q) makes it unlawful to discipline or discharge (or threaten to discipline or discharge) an employer for exercising rights guaranteed by the first amendment.

7. Minimum Wage: The minimum wage in Connecticut is $16.35 per hour. Employees are entitled to overtime at the rate of 1.5 times the employee's regular rate of pay after working 40 hours in the workweek. There are a few exemptions to overtime. The most common are employees who are paid on a salaried basis (at least $684) per week and who are employed in an executive, administrative, or professional capacity. We can spend the entire article on this one issue. You may want to get legal advice to ensure that an exemption applies before paying an employee a salary and not paying overtime. The court or the Department of Labor will look at the actual duties of the position. If you hire an "office manager" but the individual does not supervise employees or spend the majority of the workday developing policies for the management of the practice, the individual will not be exempt. If an employee is not exempt, the fact that you have not kept accurate time records for the individual you treated as salaried will be problematic and can result in significant exposure. Wage and hour laws have anti-retaliation provisions. Notably, paralegals are generally not exempt employees.

8. Deductions from Paychecks: Employers may not make deductions from paychecks, except under very specific circumstances (i.e. tax withholding, garnishments as required by an order, employee benefit plans, or where approved in advance by the Connecticut Department of Labor). Sometimes businesses think that they can make deduc-

Image credit: sakchai vongsasiripat/Getty Images

tions from final paychecks for things like unreturned fob cards or other company property. State law does not allow for such deductions.

9. Final Paychecks: Employees who are terminated must be paid their final paycheck within the next business day after the termination. Employers who resign can be paid on the next regularly scheduled payday. Employers may not withhold a paycheck for any reason, such as returning company property.

10. Non-Discretionary Bonuses: Non-discretionary bonuses are considered "wages" under Connecticut law. Moreover, such bonuses and other guaranteed payments must be factored into regular rate for overtime purposes.

11. Workplace Posters: There are many workplace posters that employers must post in a conspicuous area or send to employees through intranet or email.

12. Frequency of Payroll: Employers must pay weekly unless they request permission from the Connecticut Department of Labor (DOL). There is a pre-printed form on the DOL website.

13. Sexual Harassment Training: All employees and management must attend sexual harassment training that meets the requirements of the Connecticut Fair Employment Practices Act. The Connecticut Commission on Human Rights and Opportunities offers a free training on its website that meets these requirements.

14. Reasonable Accommodations: An employer must provide reasonable workplace accommodations to enable disabled employees to perform the essential functions of their jobs unless doing so would result in an undue hardship. Employers must also reasonably accommodate religious practices, pregnancy related issues, and domestic violence victims. A "disability" is a very easy standard to meet. The term "undue hardship" is a very difficult standard to meet. Thus, before employers deny an accommodation, they should seek legal advice.

15. Connecticut Family and Medical Leave Act (CTFMLA): State law applies to employers with one employee. (Federal law applies to employers with 50 or more employees within a 75 mile radius.) The CTFMLA provides eligible employees (employed for three months) up to 12 weeks of unpaid job protected leave during a 12-month period for qualifying family or medical leave reasons. Employees are also entitled to return to their same or, if not available, an equivalent job at the end of their leave. Employees may take up to two

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additional weeks of leave during the 12-month period for a serious health condition resulting in incapacitation that occurs during a pregnancy. It also allows eligible employees to take up to 26 weeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness. Generally, CTFMLA leave is unpaid. However, an employee's accrued, paid leave time with the employer, such as vacation, sick leave, personal leave, or paid time off, may be applied to the leave if required by the employer or requested by the employee. An employee may choose to preserve up to two weeks of their accrued, paid leave time. Additionally, wage replacement benefits under Connecticut's Paid Leave program may apply and it may run concurrently with other leaves (workers' compensation). The reasons for leave: (a) The birth of a child, placement for adoption, or foster care; (b) To care for a family member (a spouse, sibling, son or daughter, grandparent, grandchild, or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships (significant personal bond) with a serious health condition; (c) the employee's serious health condition; (d) To serve as an organ or bone marrow donor; (e) To address qualifying exigencies arising from a spouse, son, daughter, or parent's active duty service in the armed forces; or (g) To care for a spouse, son, daughter, parent, or next of kin with a serious injury or illness incurred on active duty. There are specific forms that must be given to employees and specific notice requirements.

16. CT Paid Leave Program: Employees and employers must contribute as a wage deduction to wage replacement for Connecticut Paid Leave, which is administered through the Connecticut Paid Leave Authority.

17. CT Family Violence Leave Act: This law requires employers to provide up to 12 days of unpaid leave to employees for the specified safe leave reasons.

18. Sick Leave: Certain employers must provide paid sick leave to their employees. The law initially only applied to service workers employed by employers with 50 or more employees. However, the paid sick leave act was recently amended to be phased in to cover all employees employed by any size employer. As of January 1, 2025, the law will apply to employers with 25 or more employees. Beginning January 1, 2026, the law will apply to employers with 11 employees and beginning January 1, 2027, employers with at least one employee will need to comply. This law entitles employees (non-seasonal/temporary who work more than 120 days per year) to accrue one hour of sick leave for every 30 hours worked (capped at 40 hours of leave) and can start taking leave after 120 days. Leave can be taken for illness of employee or family member, a mental health day, or where an employee or a family member's place of business or school is closed due to public health emergency. Leave does not need to be paid upon termination unless your policy requires it.

19. MyCTSavings: Employers with five or more employees who do not offer a qualified retirement plan must register through the state and offer this retirement plan to employees.

The goal of this list is not to make you all human resources "experts" but to give you some tools so when the situation presents itself, you will know to delve deeper (or maybe call on a colleague for help). ■

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*As one of the founding members of Rose Kallor LLP, **Robin Kallor** regularly advises and represents employers on a broad range of labor and employment matters involving discrimination, retaliation, wage and hour issues, breach of contract, hiring processes, employee discipline, and any other matter that pertains to the employer-employee relationship in both the unionized and non-union settings.*

Image credit: VectorMine/Getty Images

Time to RETIRE?

By MARK A. DUBOIS

If you're old enough to remember the billboards that Cooper Tires used to run with the double-entendre logo "Time to Retire," this article might be for you. The most recent demographic profile of the bar I saw indicated that our median age was moving well into the 60s. There are many of us who have been practicing for 50 or more years that haven't given enough thought to the surprisingly time-consuming process of untangling our professional obligations and closing our offices or practices.

The commentary to Rule 1.3 of the Rules of Professional Conduct provides that lawyers in solo or small firm environments should "prepare a plan" and designate someone to wrap up their files and protect the clients' interests in cases of death or disability. It's a rule honored more in the breach than the observance, but it's a good idea. Not only is it an ethical obligation to make sure that our clients don't suffer if we can't finish their matters, but I'd argue that we have a moral duty to take care of our families, staff and others who depend on the continued operation of our offices if we can't do so. We call it succession planning.

A decade ago, when Kim Knox was CBA president, she asked me to put together a handbook on the process of designating a practice successor and selling or closing down a law office. I compiled some great materials other states had put together what we called "The Path Out." You can read it at ctbar.org/PathOutGuide. It contains simple forms and checklists that you can use to designate a practice successor, powers of attorney and other documents that can be used to continue and wind up the business and forms to use to sell a practice. I've given many, many copies of it out, and the universal response has been that while it doesn't answer every question or issue, it certainly beats learning all of this for the first time.

Once you have taken the step of deciding that it's time to address this topic, and you've gotten at least so far as to designate a successor in case you don't live to see the process to the end, the question then presented is whether you want to sell your practice or just wind it up. Rule 1.17 of the Rules of Professional Conduct allows lawyers to sell either their whole practice or a portion of it, the real estate closing or the personal injury part for instance. Many are surprised to find that there's real value in trade names, websites, client lists, ongoing work, proprietary forms, and intellectual property that have been developed over the years.

Law businesses can be sold outright, or they can be merged with other firms which can continue to use the departing lawyer's name as part of the firm name because the new entity is a successor firm. Sales can be structured as asset purchases or outright sales. Payments can be arranged to cover a period of years depending on retained business or other factors. A retiring lawyer can remain "of counsel" to a successor or acquiring firm and practice as much or as little as they wish. Some larger firms offer retiring lawyers a platform where they can continue to practice without all the worries of hiring personnel and maintaining hardware and software. The CBA has offered a number of seminars in the past on these topics, which you can explore at ctbar.org/EducationPortal.

If a sale or merger isn't right, a retiring lawyer might simply determine to wind up their practice. Surprisingly, this isn't something that happens quickly. My best estimate is that it takes 10 years to completely close a law office. Rule 1.15(j) requires that certain records be kept for seven years. Malpractice cases have a 3-year statute of repose, but that can be continued by concealment or other bad acts. Grievances have a 6-year statute of limitations, but there are exceptions there too. You might keep those limitations in mind when you head to the shredder with your

Image credit: Foxeel/Getty Images

old files. A careful lawyer will arrange for adequate insurance. What we used to call "tail coverage" is now an extended claims reporting period on our claims made policies. Your insurance agent can help you.

IOLTA accounts must be reconciled, and surplus finds either returned to clients or escheated to the State. Original documents, such as executed wills, must be returned to clients. I've heard of horror stories of firms with hundreds or thousands of old wills in their safes with no idea of how to contact the testators or beneficiaries. While many law firms now maintain virtual files, for most of us the "old file room," in a basement, storage facility, or barn (I've seen them all) is a place of both memories and dread. While best practices now require that a lawyer address file retention, surrender and destruction in their retainer letters, my guess is that for many of my generation there's nothing addressing this. Can you imagine the work involved with sending a letter to all your former clients that you're going to destroy their files if they're not picked up by a certain date?

Finally, the retiring lawyer should decide whether to keep their license active or filing a revocable retirement under Practice Book 2-55 or a permanent retirement under Practice Book 2-55A. If there's a possibility of a future stream of referral income, ethics rules don't allow us to share fees with non-lawyers, and that includes those who have surrendered their licenses, unless the payment is for work done prior to retirement. If you want to keep open the possibility that you can refer new matters, best to consider the cost of keeping your license active or reactivating a license temporarily suspended every time you get a new matter.

I've covered a lot in this article, and there's much much to this topic that I can't address in the space we have here. Hopefully I've given you enough to head you in the right direction. It can be time-consuming and complex. But, unlike fine wine, the process and problems of closing a practice don't get better with time. ■

Mark A. DuBois joined Geraghy & Bonnano Attorneys At Law, LLC in 2011, after serving as Connecticut's first chief disciplinary counsel. His practice is concentrated on matters of lawyer ethics, discipline and malpractice. He is a past president of the CBA.

The Benefits of
Gratitude Journaling and How Law Firms Can Implement a Daily Practice for Employees

By JOAN REED WILSON AND SARA BONAIUTO

In high-pressure, high-stakes environments like law firms, employees face numerous challenges: tight deadlines, heavy workloads, and the emotional strain of dealing with complex cases. These stressors can lead to burnout, reduced productivity, and decreased job satisfaction. One effective approach for combating these issues is integrating a gratitude journaling practice into daily routines. Research shows that gratitude journaling can significantly improve mental well-being, enhance interpersonal relationships, and foster a more positive work environment.

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The Benefits of Gratitude Journaling

1. Enhanced Mental Health and Reduced Stress: Gratitude journaling encourages individuals to focus on positive experiences, which can counterbalance the day-to-day stressors. Regularly identifying and reflecting on things they're grateful for can reduce symptoms of anxiety, lower stress levels, and even alleviate symptoms of depression. For legal professionals who often work in stressful environments, this practice can be particularly grounding, helping them manage emotional responses to challenging situations.

2. Increased Resilience and Optimism: Legal work often involves setbacks and intense scrutiny. Gratitude journaling builds resilience by training the mind to focus on positive aspects of life and work. Employees who practice gratitude are more likely to respond to challenges with optimism and determination, cultivating a mindset that sees challenges as growth opportunities rather than roadblocks.

3. Improved Work Relationships and Collaboration: Practicing gratitude fosters a more collaborative and empathetic workplace. By regularly acknowledging the positive contributions of others, employees are more likely to feel appreciated and valued. This can enhance teamwork and encourage open, positive communication between team members. As people feel more connected to each other, their sense of belonging increases, creating a more harmonious work environment.

4. Boosted Productivity and Focus: A grateful mindset can lead to increased motivation and productivity. When employees focus on positive experiences and acknowledge their accomplishments, they gain a sense of purpose and satisfaction. These feelings can boost motivation, reduce procrastination, and increase focus, leading to higher quality work and efficiency.

5. Increased Job Satisfaction and Employee Retention: Gratitude journaling can improve overall job satisfaction by helping employees recognize the positives in their workplace. When employees regularly appreciate the opportunities, relationships, and growth their job provides, they're less likely to experience burnout and more likely to feel satisfied with their career. A positive work culture enhances retention and helps a law firm retain valuable talent.

Implementing a Gratitude Journaling Practice in a Law Firm

A structured approach to gratitude journaling can help integrate it into the firm's daily routine, encouraging employees to prioritize mental well-being as much as professional success.

1. Set Up a Daily Gratitude Session: Begin by designating a specific time, ideally at the beginning or end of each workday, for gratitude journaling. For example, at the end of each day, employees can take five minutes to reflect on three positive aspects of their day. This simple exercise can be part of a collective ritual, creating a shared experience for everyone in the firm.

2. Provide Journals and Digital Options: Supply employees with physical gratitude journals or digital alternatives, allowing them to choose their preferred method. Digital platforms, like a shared Google form or a gratitude app, can provide a convenient way to track and remind employees of their entries. Physical journals, on the other hand, can offer a tangible, personal space for reflection and can be a small gift that signifies the firm's commitment to their well-being.

3. Encourage Group Reflection Sessions: Incorporate regular team meetings where employees can voluntarily share something they're grateful for in their work. This can be as simple as expressing appreciation for a coworker's help or recognizing a rewarding experience with a client. These group sessions can foster a greater sense of community and remind employees of the positive impact they have on each other.

4. Recognize and Reward Contributions: Recognizing employees' contributions in the form of gratitude can have a lasting effect. Leaders and partners can acknowledge staff accomplishments during meetings or in firm-wide communications. This public recognition serves as a reminder that the firm values each person's efforts, further fostering a culture of gratitude.

5. Create a Culture of Gratitude from Leadership: Law firm leaders play a crucial role in creating a supportive environment. If partners and senior associates regularly express gratitude, employees are likely to follow suit. Leaders can encourage a gratitude practice by sharing positive feedback, acknowledging employees' efforts, and maintaining open, encouraging communication channels.

Measuring the Impact of Gratitude Journaling

To assess the effectiveness of a gratitude practice, law firms can collect feedback from employees periodically, tracking any reported improvements in mental well-being, job satisfaction, and productivity. A small survey every quarter can gauge how employees feel about the initiative and any changes in their work experience. This feedback can be instrumental in adapting the practice to better suit the needs of the firm.

Conclusion

Gratitude journaling is more than just a trend; it's a scientifically backed practice with substantial mental and emotional benefits. For law firms, this small but impactful habit can foster a positive work culture, reduce stress, and enhance overall productivity. By implementing gratitude journaling as a daily practice, law firms can demonstrate a commitment to their employees' well-being, creating a more supportive and resilient workplace for all. ■

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The Access to Justice Commission's Focus on the Future

By EMILY A. GIANQUINTO

The Access to Justice Commission ("AJC") was formed by former Chief Justice Chase Rogers in 2011 with a mission to "develop recommendations to help ensure equal access for all people, including low- and moderate-income individuals, people with different physical or developmental abilities, the elderly, limited English proficient individuals, and ethnic, cultural and racial minorities." Since that time, it has been led by judges and comprised of representatives from Connecticut's legal aid community. The AJC is now chaired by Chief Judge William H. Bright, Jr., who agreed to be interviewed for this column about the AJC's focus for the coming years. What follows are edited excerpts of our conversation. Many thanks to Judge Bright for taking the time to do this interview.*

Q: I understand the AJC was a bit quiet until you recently took over as chair. What happened?
A: The AJC was basically offline for a while. The branch was forced to focus on other immediate priorities when we went into COVID in 2020, so like many commissions and committees, the AJC's work was paused. At that time, then-Justice and now Judge Maria Kahn was chair. When she was elevated to the Second Circuit, Chief Justice Robinson asked me to take over as chair, and I accepted the position. Since then, I've been working to reconstitute the AJC with some new members and to refocus on our mission.

Q: Who serves on the AJC?
A: Our members are from the Judicial Branch, the Connecticut Bar Foundation, the CBA, affinity bar associations, law firm leaders, law schools, and the state library system. I'm actually hoping to expand that list—I was at a national access to justice conference last fall and some states have involved community groups in their commissions. Those community members are typically non-lawyers, often people working with the same populations we are trying to serve and whose work touches on legal issues. I think that's a great idea and want to work on implementing that here because those organizations will give us different perspectives and maybe fresh ideas. Part of the mission of the reconstituted AJC is to try not to duplicate efforts made by our members and by other organizations and to make sure we are rowing in the same direction, so adding community organizations will further that goal.

Q: When did you get involved with the AJC?
A: I've been involved since the beginning. When the AJC was formed, I had been chairing the Judicial Branch's pro bono committee, which had formed the prior year. We had done some really good work on the committee, setting up one-stop shopping for lawyers looking to take on pro bono work, making it easy for lawyers to work with legal aid providers, asking bigger firms to focus on pro bono projects targeted to specific needs. We put on a half-day summit at the Legislative Office Building focusing on how pro bono work could fill the gaps in access back in 2011. It included the governor; the chief justice; the chief administrative judges; the general counsel of companies, including UTC, Pfizer, and GE; our state legal aid providers—it was a big event and very well received. After that, Chief Justice Rogers asked me why the branch didn't have an access to justice commission like several of our sister states. I didn't have an answer. When we started looking into it, we realized we really had all of the component pieces of an access to justice commission. So we created one that incorporated everything we had been doing on pro bono, ADA accessibility issues, limited English proficiency, and support to legal aid providers via fees programs. The AJC began overseeing all of that, and Judge Raymond Norko was our first chair. I continued to lead the pro bono committee until about 2016 or 2017, when I stepped back from that position but remained a member of the AJC.


Chief Judge William H. Bright, Jr.

Q: The AJC has an ambitious charge given the scope of access issues in our state—how do you plan to focus or prioritize the AJC's work?
A: When we started out, we needed to determine two things: Where are the needs, and where are the current barriers to access? To do that, we set up four subcommit-

tees. The first is the pro bono subcommittee, which I just discussed. That subcommittee has really historically been focused on implementing the work started with the symposium from more than a decade ago, so it's currently working with a refreshed membership to identify new approaches. They're at the beginning of that process.

We also have a legal aid subcommittee, which is looking at what legal aid groups in our state need and what their clients are telling them are the greatest challenges to accessing the court system. Unfortunately, given the limited resources available, legal aid can only help a small portion of the people who need help in our state, so that subcommittee is working to identify strategies for increasing the impact of that work. Separately, the CT Bar Foundation is doing a needs assessment, and we're hoping to coordinate with CBF on that so the AJC can use that information to figure out how best to support legal aid in the most effective way.

Our self-represented party subcommittee is looking at the challenges self-represented parties face when they appear in court or are trying to figure out the legal process—how can we help them? We have lots of people from the Judicial Branch on this subcommittee because we all we see and interact with self-represented parties every day, but we also included some people from outside the court system, because the large number of self-represented parties impacts everyone involved with our judicial system in some way.

The final subcommittee is law libraries/law school subcommittee. We're probably going to be adding the public library system to that group, because those three groups working together can provide significant services and information to help the public access the courts. There are all kinds of different things our libraries and law schools can do, from hosting and staffing law clinics, helping with legal research, providing access to technology, and educational programming.

Q: How are the subcommittees approaching each of their charges?
A: I've asked subcommittee members to be as creative as they can to improve access, whether creating processes that are simpler to help people get into court, looking at hours of operation, or further expanding remote access for different court sessions such as small claims or mediations. We already do a lot with remote access, but can we do more? Should we do more? We're really looking at everything and trying to figure out how we can get people more engaged and, for example, reduce the percentage of people being defaulted for failing to appear. That default number is higher than we'd like it to be in collections and small claims cases, and I think part of the reason for that is people just not knowing what to do when they're served with a complaint. It's a big problem across the country, especially for third-party collections cases. For example, if someone had a JCPenney charge card, but gets notice of a claim filed by another party, and doesn't recognize the claimant, they might ignore the notice thinking it's a scam. Then they get a judgment in the mail and it becomes a bigger problem that could have been avoided if they knew to appear.

Q: How does the work of each subcommittee mesh together?
A: Our plan is to have each subcommittee identify the most significant issues before them, gather data, and outline possible solutions, with the goal of rolling out what each subcommittee has developed at an AJC conference. We're targeting spring 2026 for that conference, based on our expectation that about 18 months will give us time to come up with programs, begin implementation, and actually begin to roll them out. When we did the pro bono summits in the past, we did them at the Legislative Office Building, and my hope is that we could do it the same way, so we also need to work around the timing of the legislative session.

Q: What are the biggest challenges the AJC has identified so far?
A: We continue to struggle with the increasing numbers of self-represented parties. In recent years in housing matters, well over 90 percent of defendants in eviction cases have no representation. The right to counsel program has helped a bit with those numbers, but that program can't cover everybody, so it continues to be a large percentage of self-represented parties in cases with significant consequences. In family matters, 80 percent of cases have at least one self-represented party. In the Appellate Court, one-third of our appeals have a self-represented party. Almost every individual collections defendant is self-represented. The judicial system is designed for lawyers, so it's not easy for non-lawyers to navigate. Lessening the burden by providing more legal assistance helps everybody, not just those parties, but the entire court system. There is not a single judge who wouldn't prefer to see a lawyer on both sides in every case, so we are always appreciative of lawyers who are willing to take on pro bono matters or limited scope representations.

Q: What can CBA members do to support the AJC's work?
A: A few things. We have a pro bono portal, available at ctlawhelp.org. Accessing that and looking for pro bono opportunities always helps, and that's for lawyers of all backgrounds and firms of all sizes. Individual lawyers or groups from firms can answer legal questions on the CBA's helpline, CT Free Legal Answers, and staff clinics run by the CBA, the branch, legal aid groups. Lawyers can also just be resources for judges. If you're sitting in court, maybe waiting for your case to be called, and a self-represented party is not understanding something and may be floundering in front of the judge—if you can help explain the process, offer to do so. And, of course, attend the conference in 2026 and join in the initiatives we roll out around that time.

Q: You've dedicated a lot of your professional and personal efforts to pro bono work. Any closing thoughts on why this work is important?
There's always the answer that there are just not that many chances to get in court, get on your feet, and represent someone these days, particularly for younger lawyers in larger firms. Pro bono work gives lawyers that opportunity. And because usually judges are very happy with lawyers who are volunteering their time in that way, it also builds your reputation while helping the court system. But the biggest reason for me with the pro bono clients I represented, is that I never had

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The Work of the Connecticut Bar Association's Diversity, Equity, and Inclusion Committee

Just over ten years ago, the Connecticut Bar Association (CBA) began serious efforts to enhance its commitment to the advancement of diversity and inclusion, both internally and externally. Among the CBA's many purposes, as commemorated in its Constitution, is to "to promote diversity within the Bar and the Bench." On March 23, 2015, the CBA House of Delegates unanimously adopted its first diversity and inclusion policy, providing as follows:

> The Connecticut Bar Association is committed to diversity in its membership, officers, staff, House of Delegates, Board of Governors, executive committee, sections and committees, and their respective leaders. Diversity is an inclusive concept encompassing gender, gender identity, race, color, ethnic origin, national origin, religion, sexual orientation, age, and disability.
>
> We are a richer and more effective association because of diversity, as it increases our association's strengths, capabilities, and adaptability. Through increased diversity, our organization can more effectively address member and societal needs with the varied perspectives, experiences, knowledge, information, and understanding inherent in a diverse relationship.

Unanimously approved by the CBA House of Delegates on 03/23/15.

The CBA's Diversity, Equity, and Inclusion Committee subsequently adopted its first strategic plan[1] on October 5, 2015. The DE&I Committee is co-chaired by the Hon. Cecil J. Thomas, Hon. Tejas Bhatt, Attorney Ron Houde, and CBA President Tim Shearin. Attorney Mallori Thompson serves as vice-chair of the Committee. The Committee's efforts are led by dedicated volunteers, many of whom have been actively involved with the Committee for over ten years. Since 2015, the Committee has developed and maintained a number of programs and ongoing initiatives, some of which are summarized briefly below.

The Connecticut Legal Community's Diversity and Inclusion Pledge and Plan

In 2016, the Committee launched the Diversity and Inclusion Pledge and Plan. Over 40 organizations are current signatories to the Pledge, which includes a multiyear plan to guide the development and implementation of an organizational diversity, equity, and inclusion Plan. The Signatories meet periodically to discuss their efforts and to learn from each other, most notably at the annual Diversity, Equity, and Inclusion Summit each year.

The CBA's Annual Diversity, Equity, and Inclusion Summit

Every year since 2016, the Committee has organized an annual Diversity, Equity, and Inclusion Summit, which features a day of learning and inspiration to guide and inform organizational diversity, equity, and inclusion efforts. The ninth Summit was held on October 25, 2024, and featured a diversity metrics presentation given each year by the Hon. Cecil J. Thomas, an interactive workshop presentation led by Dr. Arin Reeves of Nextions, Inc., a presentation by Dr. Kenji Yoshino, Earl Warren Professor of Constitutional Law at NYU School of Law and the Director of the Meltzer Center for Diversity, Inclusion and Belonging, and a keynote address by Richard Robinson, Retired Chief Justice of the Connecticut Supreme Court. The Summit was attended by approximately 150 attendees. Planning is currently underway for the Tenth Annual Diversity, Equity, and Inclusion Summit, which will be held in October of 2025.

The Constance Baker Motley Speaker Series on Racial Inequality

The Constance Baker Motley Speaker Series was launched in 2020, as a collaborative effort of the CBA Diversity, Equity, and Inclusion Committee and the Connecticut Bar Foundation James W. Cooper Fellows Education and Programming Committee. The committee honors the legacy of the Hon. Constance Baker Motley. Judge Motley was born in New Haven and served as the first African-American woman federal judge in the United States, after a long career of high-impact civil rights litigation and many notable political and civic accomplishments. The series is now in its fifth continuous year

and features consistent virtual educational events throughout the year on a wide range of topics related to racial equality in the United States. This year, the series featured a screening of the documentary *Refuge*, with a question-and-answer session with co-director and co-producer Din Blankenship. Additional sessions this bar year will explore the history of slavery in Connecticut and immigration law.

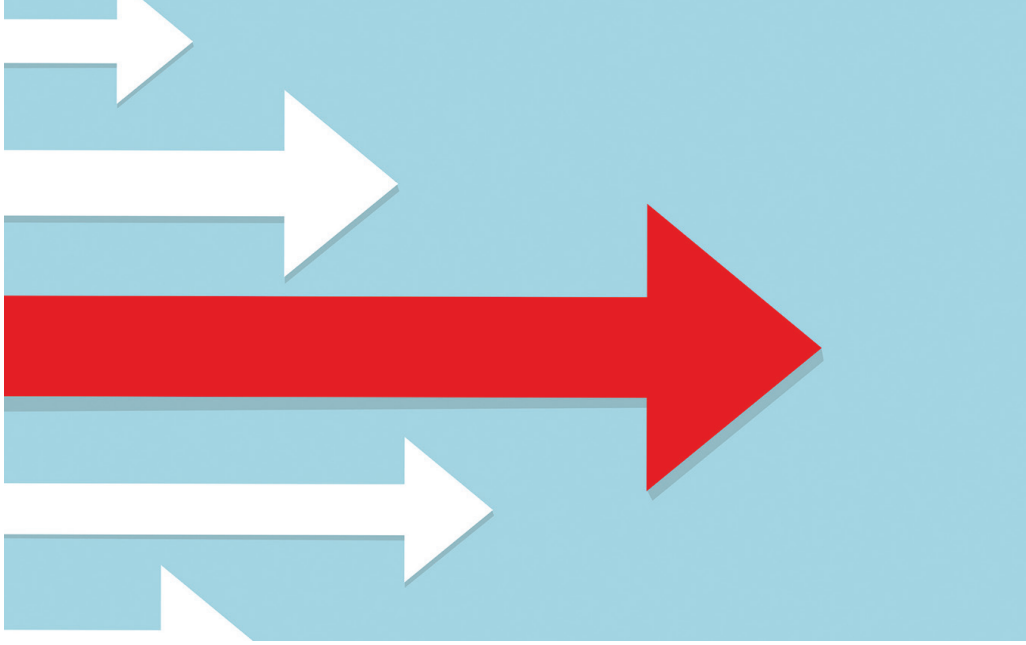

Image credit: mikromani6/Getty Images

Education

In addition to educational offerings such as the Annual Diversity, Equity, and Inclusion Summit, the Committee has helped produce the Diversity, Equity, and Inclusion track at the Connecticut Legal Conference (CLC) each year. These educational offerings have grown from one or two sessions at the outset of the Committee's efforts to a full day of offerings at the CLC each year. The Committee often partners with sections and other organizations, such as the Lawyer's Collaborative for Diversity, to produce these sessions. The most recent CLC, held on June 10, 2024, featured sessions entitled: "DEI and the Law: Challenges and Initiatives"; "Creating a Safe and Welcoming School Environment for Transgender and Non-Binary Students: Beyond Sports and Bathrooms"; "Understanding the Invisible Disability & Discrimination Against Neurodivergent Attorneys"; and "Drafting and Implementing LGBTQ+ Inclusive Policies and Procedures for Law Firms and Companies." Planning is underway, led by Committee Vice Chair Mallori Thompson, for this year's Diversity, Equity, and Inclusion track at the CLC.

LAW Camp

LAW Camp is a one-week, in-person summer camp sponsored by the Committee. LAW Camp offers high school students a unique opportunity to learn about the legal profession and develop critical and analytical thinking skills. During the week-long day camp, attendees learn from practicing lawyers and judges, observe court proceedings, receive advocacy training, and participate in a mock trial competition. The camp, which is offered at no cost to students, returned to an in-person format during the summer of 2024. Planning is underway, led by Committee Co-Chair Ron Houde, for the 2025 LAW Camp, which will be held in July of 2025. LAW Camp offers opportunities for attorneys and judges to volunteer as hosts for observation sessions, and as judges and coaches for the attendees' mock trial efforts.

Future of the Legal Profession Scholars Program

The Future of the Legal Profession Scholars Program accepted its first cohort of scholars in 2019, and has accepted new scholars on a rolling basis each year since the program's inception. The Scholars Program offers a full scholarship to a live LSAT preparation course, and participation in at least one year of educational programming and mentorship, covering topics such as law school admissions and financial aid, personal statement guidance and review, and "speed networking" with attorneys practicing in a wide range of practice areas and contexts. The Scholars Program is open to all juniors, seniors, or recent graduates of Connecticut-area colleges and universities with a commitment to pursuing a law degree at an accredited Connecticut-area law school, or pursuing a legal career in the Connecticut-area in the future. Preference is given to first generation law students (meaning students who would be the first member of their immediate family to attend law school) with a demonstrated commitment to advancing diversity, equity, and inclusion in prior academic, professional, or personal pursuits, or who are able to demonstrate that the applicant has overcome adversity or other challenges in the pursuit of a future career in the law. Since 2019, 45 aspiring law students have been accepted into the program. Two members of the first cohort, Christina Cruz and Natasha Claudio, have since completed law school, and have now been admitted to the bar as practicing attorneys.

These are just some of the initiatives of the Committee. The Committee also maintains model diversity, equity, and inclusion plans for sections and committees, undertakes an assessment of the CBA's diversity, equity, and inclusion efforts every two years, and is currently planning for a Speaker's Bureau, to provide education and training to organizations on topics such as implicit bias and inclusive leadership. The Committee also produces this column each issue of the *CT Lawyer* magazine, which this year has included spotlights on some of Connecticut's affinity bar associations working to advance diversity, equity, and inclusion within the Connecticut bar and beyond. All of the efforts described here are guided by dedicated subcommittees, which are always in search of new members. Interim Director of Diversity Jenn Shukla offers invaluable support to all of the work of the Committee.

Interested in becoming involved in one or more of the Committee's programs and initiatives? Email DEI@ctbar.org to express your interest in participating. The Committee would welcome your commitment and support! ■

NOTES

1 https://www.ctbar.org/docs/default-source/resources/strategic_diversity_and_incl.pdf?sfvrsn=37a9d7cd_0

Who's to Blame?

By CHARLES D. RAY

If you watch only for the music, *The Blues Brothers* is a pretty good movie. It features Cab Calloway, Ray Charles (my obvious favorite), Aretha Franklin, James Brown, and John Lee Hooker in addition to "The Band." As an aside to the music, there are the curious efforts of Carrie Fisher's character to assassinate Joliet Jake for what, it turns out, was his disappearance from the wedding alter. As Carrie stands over Jake near the end of the film, Jake offers an all-time classic "don't blame me" rant: "I ran outta gas. I had a flat tire. I didn't have enough money for cab fare. My tux didn't come back from the cleaners. An old friend came in from outta town. Someone stole my car. There was an earthquake, a terrible flood, locusts. It wasn't my fault! I swear to God!"

A three-justice panel of the Supreme Court (Justices McDonald, Alexander, and Dannehy) faced a "don't blame me case" (without the rant) in *Whitnum Baker v. Secretary of the State*, 350 Conn. 753 (2024). The issue was whether the defendant had properly rejected the plaintiff's registration as a write-in candidate for the 2024 election for the Third District's representative in the United States Congress. The defendant determined that the registration was untimely and, therefore, in violation of Sections 9-373a and 9-265 of the General Statutes, which govern write-in candidacies. The plaintiff sought an injunction to direct the defendant to accept the registration, claiming that her untimely registration was the fault of the defendant and not her. The case began and ended in the Supreme Court, as the panel rejected the plaintiff's claim.

The problem, as it turns out, was in a cover letter that the defendant provided to prospective write-in candidates. The actual registration form indicated that it needed to be submitted by no later than 4:00 p.m. on October 7, 2024. In the defendant's cover letter, which accompanied the form, the applicant was advised to "carefully peruse" Section 9-373a and again indicated that the registration form had to be submitted by no later than 4:00 p.m. on October 7th. The cover letter also quoted Section 9-373a, which, in the version set forth in the letter, required that the registration be submitted by no later than "four o'clock p.m. on the fourteenth day preceding the election." The plaintiff attempted to file her registration on October 15, 2024, which was more than 14 days prior to the November 5th election.

Image credit: SimpleImages/Getty Images

The defendant rejected the registration because Section 9-373a had been amended by the legislature to take into account the start of early voting in elections. Thus, at the time the plaintiff sought to file, Section 9-373a actually set the deadline as no later than 4:00 p.m. "on the fourteenth day preceding the commencement of the period of early voting at the election . . . ." Early voting began on October 21, 2024. If the deadline for filing was missed, "the registration shall be void."

In the original action before the Supreme Court, the plaintiff argued that the October 7th deadline should not apply to her "because of the 'confusion' occasioned when she was 'given wrong information by someone on the [defendant's] staff' . . . ." The Secretary argued to the contrary and also claimed that the Court lacked jurisdiction under § 9-323. As to the Court's jurisdiction, the claims were that the action was moot, election day having already passed, and the plaintiff was not "aggrieved" for purposes of § 9-323. The panel concluded that the action was not moot, as allowing the plaintiff to register as a write-in candidate would have the effect of validating any write-in votes that may already have been cast for her and, if the number of those votes put the result of the election in doubt, a new election might have been in order. As to aggrievement, the panel held that because the plaintiff alleged a colorable claim that the late registration was the result of incorrect information emanating from the defendant, the defendant's refusal to accept the plaintiff's registration rendered the plaintiff aggrieved under § 9-323.

On the merits of the claim, the panel identified the core issue as "whether a court has equitable discretion to provide a prospective write-in candidate with relief from a mandatory statutory provision, when her noncompliance resulted from erroneous guidance given by the election official charged with the administration of the statutory scheme." According to the panel, the language of § 9-373a is "mandatory in nature and plainly and unambiguously affords the defendant no discretion to accept an untimely filed registration form, given that it contains the hallmark of negative words that expressly invalidate untimely registrations."

A curious reader might wonder why, if the Secretary has no discretion to accept a late filing and the governing statute renders late filed registrations "void," a court has any power to invoke equity and provide a remedy even if the late filing was the result of "erroneous guidance" from the Secretary. The Court's prior decision in *Butts v. Bysiewicz*, 298 Conn. 665 (2010) provided guidance to the panel. But that guidance was only in the form of a footnote that states: "Some jurisdictions have concluded that, in extraordinary circumstances, courts can excuse a failure to comply with mandatory filing deadlines for declarations of candidacy due to (1) an action by the state, particularly election officials, causing the late filing, or (2) the impossibility of compliance." In support of this proposition, the Court in Butts relied on decisions from Alaska, Florida, Vermont, Washington, and New Jersey. In *Butts*, however, the circumstances in which the Court said equity may apply were not implicated and the Court expressed "no opinion as to whether courts would have authority to extend filing deadlines under such extraordinary circumstances."

Based on the *Butts* footnote, the panel in *Whitnum Baker* assumed, but without deciding, that a Connecticut court would have the authority to override a mandatory filing deadline "when that noncompliance was caused by the action of an election official." From where that authority might emanate is left unexplained, because the panel concluded that the plaintiff's failure to timely file her registration was caused by her own inaction and not by the action of an election official. In support of that conclusion, the panel relied on the fact that both the registration form and the Secretary's cover letter both noted that the filing deadline was October 7th. The panel also relied on the fact that 29 other write-in candidates had met that deadline and the plaintiff's was the lone application that was rejected as untimely. Finally, the plaintiff conceded at the panel's hearing that she had failed to read the deadline on the materials issued by the Secretary. As such, the panel rather easily concluded that the plaintiff failed to demonstrate that she had exercised any due diligence in terms of reconciling the inconsistent due dates apparent in the Secretary's cover letter.

Based on the panel's analysis and conclusion, it will likely be some time, if ever, before the Court is forced to explain how judicial equity can override a clearly stated mandatory deadline enacted by the legislature. A rant worthy of Jake may be what it takes. ■

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Living to Work or Working to Live?

By VIANCA T. MALICK

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.*

After my freshman year of college, my family took a trip to visit my aunt in Italy. This was my first international trip, and I was excited to see the sights and experience the European way of life. Prior to our trip, my dad warned me that we would have to plan our trip to accommodate the afternoon siesta – an afternoon break that Italians and many Europeans take each afternoon during the workday. At first, I did not take his warning too seriously. Did all business really come to a halt for several hours each afternoon?

While out on a shopping trip one day in Sicily, I noticed one business after another putting up their "closed" signs. As my dad had warned, we had started shopping too close to the siesta and the businesses were closing until 4:00 p.m. Everything in the town literally shut down in the middle of the day. Obviously, this was a far cry from what happens in the United States—a place where retailers expect their workers to skip important holidays with their families and employers prefer their employees work while sick or on vacation rather than use their earned paid-time off.[1]

As we killed time walking around the city until the stores reopened, my dad said something that I will never forget. "Unlike back home, people here work in order to live not the other way around." Translation? In the United States, people live to work. We are often expected to always be "on" when we enter the workforce, always reachable even when we are not at work.[2] This has only been made easier with email and video conferencing software.

Hearing my dad make this observation was somewhat surprising to me. My dad had worked a full-time corporate job and part-time retail job for as long as I could remember. Seeing my dad constantly working and missing important moments with our family, I vowed that once I joined the workforce, work would be just that – work, a means to live life. I would strive to strike the perfect balance between a successful career and a satisfying home life. I would prioritize "work/life balance."

Unfortunately for younger me, I picked a profession that is still finding difficulty embracing the idea of work/life balance and requires those wishing to become lawyers to work tirelessly for years in order to get there. Like many of my colleagues, I participated in as many things as possible in high school and college. The semester I took the LSAT, I had a full 18 credit course semester, spent three nights a week at UConn Marching Band practice, woke up early on Saturdays to perform with the band at football games, and squeezed practicing for the LSAT on Sundays between my other coursework and co-ed fraternity meetings. Law school was no different. In addition to my courses, I interned as much as possible, was a member of a journal, and served on the board of my law school's public interest organization. Once barred, we are then expected to participate in our bar organizations, volunteer for municipal boards in our towns, and collaborate with non-legal professionals to expand our network and build our client base.

In the United States, the common belief is that we have to stretch ourselves thin and prioritize our jobs in spite of our personal lives in order to be successful in our careers.[3] However, in recent years, the world has seen what this can cause—constant stress, burnout, anxiety, depression, and just general unhappiness with one's life.[4] Adequate paid time off, flexible hours, and the ability to work from home are becoming increasingly important considerations for those entering today's workforce. Many are seeking a balance between work and life, with the ability to be successful without sacrificing time to do the things outside of work that they enjoy.

This growing need for work/life balance is causing a change in the work landscape around the globe. France has a mandatory thirty-five (35) hour work week and in 2017 was the first country to implement a "right to disconnect" law protecting employees from being required to respond to work communications outside of work hours.[5] Several other countries, including Belgium, Portugal, Spain, Ireland, Italy, and Australia, have passed similar legislation.[6] Iceland has also embraced a shorter work week with no reduction in pay.[7]

I think the United States is far away from embracing drastic changes in our work environment, and many of us may even think wanting to unplug at the end of the workday makes us seem lazy or uncommitted to our work. However, this cannot be further from the truth. Working flexible hours and taking our vacation time allows us to recharge and give our best work to our employers.

I urge young lawyers at the start of their careers to determine what is important to them. If work/life balance is something you wish to achieve, communicate your expectations with your employers. As young lawyers, we may think that our lack of experience means lack of negotiation power as we enter the workforce, but we are the future of the profession and what is expected is changing. As we have children, we may not want to miss those important milestones for the work email that could wait until the next day. Wanting work/life balance does not mean we do not care about our careers or that we do not want to be successful. It just means that we don't want to miss our children's important milestones, memories with our friends and loved ones, or the opportunity to experience life to the fullest. ■

NOTES

1 Peter Weber, France Aspires to Work by Working Less. Is it Working?, THE WEEK US (Mar. 29, 2023), https://theweek.com/in-depth/1022073/france-aspires-to-work-by-working-less-is-it-working.

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Time to Go Pro Bono *Continued from page 29*

more appreciative clients than the pro bono clients and never felt better in representation than with my pro bono clients. Even when the outcome isn't what a client would have preferred, just helping them get through the process adds such value that they truly appreciate the effort. The same is true when I talk to lawyers who represent pro bono clients. You see the impact immediately on your clients' lives, and it sort of renews your faith in the law and helps you see accomplishments quickly versus the cases that can be longer and drawn out.

**As of the time of print, Governor Lamont has announced Chief Judge Bright as a nominee for associate justice of the Connecticut Supreme Court.* ■

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

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