



To: Rules Committee

From: Natalie Wagner, Executive Director, Connecticut Bar Foundation

Date: February 24, 2022

Re: Request for Revision to Practice Book Rule 1.15 Annual Mailing Requirement to Allow for Electronic Distribution of Annual Report

I. Background

The Connecticut Bar Foundation ("CBF") receives and distributes the interest generated from lawyers' trust accounts to support nonprofit organizations that provide civil legal services to low income people in Connecticut. Within the Rules of Professional Conduct contained in the 2022 Connecticut Practice Book, Rule 1.15(i)(4) reads:

(4) The judges of the Superior Court, upon recommendation of the chief court administrator, shall designate an organization qualified under Sec. 501 (c) (3) of the Internal Revenue Code, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, to administer the program. The chief court administrator shall cause to be printed in the Connecticut Law Journal an appropriate announcement identifying the designated organization. The organization administering the program shall comply with the following:

(A) ***Each June mail to each judge of the Superior Court*** and to each lawyer or law firm participating in the program ***a detailed annual report of all funds disbursed under the program including the amount disbursed to each recipient of funds;***

As the highlighted text indicates, the CBF is required to physically mail its Annual Report to each judge of the Superior Court each June, detailing how IOLTA funds are distributed.

II. Proposal to Revise Rule 1.15 to Require Electronic Notice and Publishing of Annual Report

The CBF respectfully proposes that Rule 1.15(i)(4) be amended as follows (underlined text denotes additions; bracketed text denotes deletions):

(4) The judges of the Superior Court, upon recommendation of the chief court administrator, shall designate an organization qualified under Sec. 501 (c) (3) of the Internal Revenue Code, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, to administer the program. The chief court administrator shall cause to be [printed]

published in the Connecticut Law Journal an appropriate announcement identifying the designated organization. The organization administering the program shall comply with the following:

(A) Each June [mail to] shall publish on the designated organization's website a detailed annual report of all funds disbursed under the program including the amount disbursed to each recipient of funds and shall cause to be published in the Connecticut Law Journal a notice that the detailed annual report is available on the designated organization's website along with a link to the report that can be accessed by members of the public as well as each judge of the Superior Court, and mail to each lawyer or law firm participating in the program a copy of that detailed annual report [of all funds disbursed under the program including the amount disbursed to each recipient of funds];

This proposed language was vetted by the Office of the Chief Court Administrator, and that office had no objection to it.

The proposed revision would allow the CBF to cause a notice and link to the Annual Report to be published in the Connecticut Law Journal, which would direct judges (or any interested member of the general public) to view the Annual Report online, where it is published on the CBF website each June (see <https://www.ctbarfdn.org/who-we-are/annual-reports.html>). The information conveyed using either distribution method is identical. Given the widespread access to, and ease of use of, the internet, electronic distribution in this manner should make it easier and simpler for judges to review the report.

Relieving the CBF of the requirement to physically mail the report to each judge of the Superior Court would save printing and mailing costs. It would also save staff the significant time involved in updating court assignments and addresses for every judge each year. Electronic distribution via a post on the Connecticut Law Journal website would be a much more efficient way of conveying the required information, with the added benefit of saving the natural resources that are consumed with a paper mailing.

As the use of electronic mailings and communication via websites have proliferated across many industries, with an increasingly large number of companies and government agencies eliminating paper mailings and encouraging customers to “go paperless,” we see that electronic correspondence has become the norm in modern society. The rule change that the CBF requests would modernize the Court Rules to reflect the realities of the current time, and allows both the CBF and the Superior Court judges to enjoy the convenience of an electronic notice and access.

III. Supporting Documentation

In addition to the rationale for the rule change discussed above, the CBF sought and received a one-time accommodation to allow electronic distribution of the Annual Report in 2021. Please see **Attachment A**, which is the text of an email sent to Melissa Farley and Brian Hill on March 17, 2021 requesting the accommodation. Subsequent to that email, discussion between the Judicial Branch and the CBF ensued, and the Branch agreed to allow the CBF to distribute the report electronically. Please see **Attachment B**, which is the June 24, 2021 email sent from the CBF to Melissa Farley with the Annual Report for distribution; **Attachment C**, which is the June 25, 2021 email from Melissa Farley to Natalie Wagner,

confirming that the Annual Report was emailed out to the judges; and **Attachment D**, which is an email from Melissa Farley to Stacey Mayer explaining the process that was used last year, and that forwards the June 25, 2021 email she sent out to the judges containing the CBF report.

IV. Conclusion

In conclusion, the CBF respectfully requests a revision to Practice Rule 1.15(i)(4), to allow electronic distribution of its Annual Report to the Superior Court judges, as described above. This change will save time, money, and resources, and will provide the required information in a simple and easy-to-access format. This amendment modernizes the rule, and reflects the convenience that modern technology allows. The CBF was granted a one-time accommodation to use electronic distribution in 2021, and this method worked well for all parties. The CBF seeks to have this become a permanent change memorialized in the language of the rule.

ATTACHMENT A

On Mar 17, 2021, at 11:50 AM, Natalie <natalie@cbf-1.org> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Melissa and Brian,

I hope you are both well and managing to find moments of grace in these crazy times. I wasn't sure who was the most appropriate person to direct this question to, so bear with me.

As you may or may not be aware, [Rule 1.15\(i\)\(4\)\(A\)](#) requires the CT Bar Foundation to mail our annual report each June to all of the Superior Court judges. This is not an especially heavy lift compared to all the lawyers, law firms and banks (per CGS 51-81c) we also have to mail to. (While the statute requires mailing to the other entities, only the Rule requires the mailing to judges.)

However, I do wonder if electronic transmittal would make more sense for the judges, especially as things have become more remote. I'd rather save the trees and printing and mailing costs if they are more likely to receive and read them electronically anyhow. It would also save staff time in having to check court assignments / addresses each year for all the judges since their email addresses rarely change. Rather than include an attachment, I'm imagining an email would direct the judges to view the Annual Report online, were we also publish it each June: <https://www.ctbarfdn.org/who-we-are/annual-reports.html>

I wanted to get your thoughts on that change and, if you don't have cause for concern, how we should proceed with requesting the change and whether there is any likelihood it could get taken up at the April agenda of the Rules committee (the reports get printed in May).

I've pasted the relevant section of the rule at the bottom of this email and highlighted the pertinent language in yellow. Let me know your thoughts when you have a moment to review.

Thanks in advance for your consideration and guidance.

With kind regards,

Natalie

[Rule 1.15\(i\)\(4\)](#)

(4) The judges of the Superior Court, upon recommendation of the chief court administrator, shall designate an organization qualified under Sec. 501 (c) (3) of the Internal Revenue Code, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, to administer the program. The chief court administrator shall cause to be printed in the Connecticut Law Journal an appropriate announcement identifying the designated organization. The organization administering the program shall comply with the following:

(A) Each June mail to each judge of the Superior Court and to each lawyer or law firm participating in the program a detailed annual report of all funds disbursed under the program including the amount disbursed to each recipient of funds;

(B) Each June submit the following in detail to the chief court administrator for approval and comment by the Executive Committee of the Superior Court: (i) its proposed goals and objectives for the program; (ii) the procedures it has established to avoid discrimination in the awarding of grants; (iii) information regarding the insurance and fidelity bond it has procured; (iv) a description of the recommendations and advice it has received from the Advisory Panel established by General Statutes § 51-81c and the action it has taken to implement such recommendations and advice; (v) the method it utilizes to allocate between the two uses of funds provided for in § 51-81c and the frequency with which it disburses funds for such purposes; (vi) the procedures it has established to monitor grantees to ensure that any limitations or restrictions on the use of the granted funds have been observed by the grantees, such procedures to include the Rule 1.15 RULES OF PROFESSIONAL CONDUCT receipt of annual audits of each grantee showing compliance with grant awards and setting forth quantifiable levels of services that each grantee has provided with grant funds; (vii) the procedures it has established to ensure that no funds that have been awarded to grantees are used for lobbying purposes; and (viii) the procedures it has established to segregate funds to be disbursed under the program from other funds of the organization;

Natalie S. Wagner

Executive Director

Connecticut Bar Foundation

(860) 722-2494

natalie@cbf-1.org

<https://www.ctbarfdn.org/>

(she/her/hers)

ATTACHMENT B

From: Natalie Wagner

Sent: Thursday, June 24, 2021 7:00 PM

To: Farley, Melissa <Melissa.Farley@jud.ct.gov>

Cc: Anne Goico <anne@ctbarfdn.org>; Tim Diemand <tdiemand@wiggin.com>

Subject: RE: Rule 1.15 Annual Mailing Requirement

Melissa,

In follow-up to our discussion at the end of March, I am sending you the 2020 Annual Report of the Connecticut Bar Foundation for electronic distribution to the judges of the Superior Court, pursuant to our obligation under Rule 1.15. As discussed, the branch has agreed to this as a one-time accommodation and the CBF will pursue an amendment to the rule to specifically allow for electronic distribution going forward.

With kind regards and thanks,

Natalie S. Wagner

Executive Director

Connecticut Bar Foundation

(860) 722-2494

natalie@ctbarfdn.org

<https://www.ctbarfdn.org/>

(she/her/hers)

ATTACHMENT C

From: [Farley, Melissa](#)

To: [Natalie Wagner](#)

Subject: RE: Public Act 21-34, AAC the Right to Counsel in Eviction Proceedings . . .

Date: Friday, June 25, 2021 4:40:40 PM

Attachments: [image001.png](#)

Hi Natalie,

I just send out the CBF report to the judges. So, we can cross that off both of our lists!

Have a nice weekend.

Take care,

Melissa

Melissa A. Farley
Executive Director
External Affairs Division
Connecticut Judicial Branch
231 Capitol Avenue
Hartford, CT 06106

melissa.farley@jud.ct.gov

860-757-2270 (phone)

860-757-2215 (fax)

ATTACHMENT D

From: Office of Chief Court Administrator
To: [Stacey Mayer](#)
Subject: CT Bar Foundation Annual Report
Date: Tuesday, February 15, 2022 8:57:04 AM
Attachments: [CBF Annual Report Memo - Judicial.pdf](#)
[2020 CBF Annual Report Cover & Report.pdf](#)

Dear Stacey,

I hope that you are doing well.

Last year, we used the judges' listserv to e-mail the judges the 2020 Annual Report of the Connecticut Bar Foundation, along with the accompanying memo. (Please see e-mail below.) This was a one-time exception as we do not use the judges' listserv to e-mail the judges information from other organizations.

I hope that this is helpful. If you need anything else, please let me know.

Take care,

Melissa

Melissa A. Farley
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External Affairs Division
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231 Capitol Avenue
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melissa.farley@jud.ct.gov
860-757-2270 (phone)
860-757-2215 (fax)

From: Office of Chief Court Administrator <Officeof.ChiefCourtAdministrator@jud.ct.gov>
Sent: Friday, June 25, 2021 4:36 PM
To: External Contact for All Connapp Judges <Judges@Connapp.Jud.CT.Gov>; All JSS Superior Judges <AllJSSSuperiorJudges@jud.ct.gov>; All JSS Family Support Magistrates <AllJSSFamilysupportMagistrates@jud.ct.gov>
Subject: CT Bar Foundation Annual Report

Good afternoon,

Attached please find the 2020 Annual Report of the Connecticut Bar Foundation, and an accompanying memo.