

We have continued the tradition of focusing our meetings around interesting and informative speakers on a variety of topics. Dr. Michael Bourke from the Forensic Laboratory in Meriden explained the DNA Databank. David Atkins, chair of Pullman & Comley's Professional Liability Section, led an interactive discussion on legal ethics. State Senator Martin Looney spoke about the judicial re-appointment process and on pending legislation of interest to our members. Ed Mahony, investigative reporter for the *Hartford Courant*, gave an account of the trial of FBI agent John Connolly. Kevin O'Connor, partner at Bracewell & Giuliani and formerly of the Justice Department and the U.S. Attorney's office, gave us an insider's view of turbulent times at the Justice Department during the tenures of U.S. Attorneys General Alberto Gonzalez and Michael Mukasey. Chief State's Attorney Kevin Kane and Chief Public Defender Susan Storey discussed the state of the death penalty in Connecticut. William Carbone, executive director of the Judicial Department's Court Support Services Division, was the scheduled speaker for our meeting on May 28, 2009.

Other items on the agenda at our meetings included activities and initiatives of the Connecticut Bar Association; pending legislation including proposals that would revise the attorney occupational tax, impose a tax on legal services, and increase the penalty for the unauthorized practice of law; issues before the Judicial Rules Committee; and changes in probation sentencing procedures.

We are exploring ways to increase membership attendance at our meetings. We have also begun discussions of projects that our section might undertake to effectuate improvements to the criminal justice system.

ELDER LAW SECTION

JUDITH HOBERMAN, CHAIR

PURPOSE

Members of the Elder Law Section have in 2008–2009 engaged in diverse activities designed to further the practice of this area of law, including substantive monthly educational presentations, continuing legal education, appointment of work groups to address topics of interest and concern, assiduous advocacy efforts, and community education.

ANNUAL REPORT

Consistent with its prior practice, the section continued to open its monthly meetings to the entire membership. (All meetings are noticed as executive committee meetings for voting purposes under the section's bylaws.) Recognizing the need to (1) equip members on major changes in Medicaid law, (2) involve members in this year's efforts to restructure the probate courts, and (3) keep abreast of the evolution in long-term care policy toward community-based care, 2008-2009 topics have included:

- an overview by Dawn Lambert of the Department of Social Services concerning the launch of the Money Follows the Person program
- a presentation by Connecticut Probate Administrator Paul Knierim on his goals for restructuring the probate courts
- presentations by section members on the Department of Social Services' (DSS) proposals to amend the Uniform Policy Manual to reflect changes in federal law made by the Deficit Reduction Act of 2005 (DRA)
- an overview by Margaret Murphy and Jocelyne Watrous of the Center for Medicare Advocacy of new Medicare developments and the Medicare Part D prescription drug program

- a presentation by Laura Snow, coordinator of the Institute on Aging and Center for Elder Abuse Prevention at the Jewish Home for the Elderly, Fairfield
- a presentation by Kevin Brophy on the role of legal services elder law programs in Connecticut

Materials from these presentations have (or will be) posted to the Elder Law Section page of the CBA Web site as a standing reference source.

Expanding the reach of the section's educational activities, the Continuing Legal Education (CLE) Committee was also active in planning two programs. Because of significant substantive changes to Medicaid laws, the chair recognized the need for a detailed program to teach administrative advocacy skills to practitioners who are now handling contested cases. Led by CLE Committee Co-chairs Joseph Cipparone and Laurel Mangan, and active committee member Charles Stauffacher, the CLE Committee developed a full-day program, "Medicaid Advocacy: The Contested Case from Application to Appeal." The program speakers included seasoned section members and other experts in administrative advocacy:

- Attorney Lea Nordlicht Shedd – preparing the application
- Attorney Kevin Brophy – the law of fair hearings
- Attorney Sheldon Toubman – due process issues in fair hearings
- A mock fair hearing, presented by Attorney Paul Czepiga, Attorney Stephen Allaire, Attorney George Bickford, with various witness participants (who added much humor to the substantive matter)
- Attorney Mary Alice Moore Leonhardt – State Court Administrative Appeals
- Attorney Deborah Tedford – Federal Court actions and appeals

A second CLE program is planned for the Annual Meeting in June: "Hot Topics in Elder Law." This short seminar will discuss new Connecticut case law, legislation involving home care for elders, the latest proposals to improve the 2007 amendments to Connecticut's conservatorship statutes, and the status of Connecticut Medicaid regulations. Speakers include section members Lisa Davis, Kate McEvoy, Sandra Sherlock-White, and Whitney Lewendon.

Section members have also given generously of their time to further several standing work groups.

- A group first established in fall 2006 addressed implementation of the DRA by presenting synopses of the law, liaising with DSS, and leading the advocacy effort before the legislative Regulations Review Committee. Led by Whitney Lewendon and Judith Hoberman, members of this group include Stephen Allaire, Lois Andrews, Julia Brown, Lisa Davis, Mark Dost, Richard Fisher, Steven Floman, Lea Nordlicht Shedd, Amy Todisco, and Sandra Sherlock-White.
- Another group, which has focused on conservatorship, engaged members of the Elder Law and Estates & Probates Sections and representatives of the legal services community in intensive review of technical changes to legislation passed in the 2007 session that had made significant changes to Connecticut's conservatorship statute. Section members in this workgroup include Lea Nordlicht Shedd, Sandra Sherlock-White, and Marilyn Denny.

Legislative and regulatory advocacy remains a strong emphasis of the section. In addition to tracking and synopsizing bills of interest and concern to older clients and their caregivers, the section has been active in the 2009 session in pursuing its priorities. Led by vice-chair and legislative liaison Sharon Pope, along with legislative committee members Peter Boorman, Julia Brown, Whitney Lewendon, Esther Rada, Sandra Sherlock-White, and Judith Hoberman, these efforts centered around concept positions approved by the CBA:

- support for legislative measures that increase the availability of home care services to the elderly and disabled populations

- support for increased staffing in nursing facilities to enhance quality of care
- support the use of special needs trusts for recipients of state benefits who reside in residential care homes
- regulatory advocacy concerning pooled trusts for elderly applicants or recipients of Medicaid

During the 2009 session, section members have presented written and oral testimony at the legislature on bills that arose concerning these concept positions. In addition, the section has also supported the Connecticut Uniform Protective Proceedings Guardianship Act. Finally, along with members of Estates and Probate, Elder Law Section members have been actively involved in submitting testimony and comments to the legislative workgroup that is negotiating the details of probate court restructuring.

As noted above, section members continue to invest substantial advocacy time focused on the DRA-related revisions to the Uniform Policy Manual that were proposed by DSS. We were assisted in that effort by outside lobbyist Bob Shea, whose contract was extended with permission of the CBA to assist the section in completing this important advocacy effort.

Finally, members have in 2008-2009 continued to partner with the Connecticut Appleseed Foundation and the Quinnipiac University School of Law to offer community outreach presentations at senior centers across Connecticut and at Quinnipiac University's Senior Citizens Law Day. Using a consumer education manual entitled *Connecticut Elder Law Resources* that was drafted by Connecticut content experts, section members have volunteered to discuss topics including advance directives, consumer issues, housing, payment for long-term care, estate planning, and Medicare. These efforts have afforded many low-income older adults and their caregivers access to objective and trustworthy information regarding their legal options.

ENVIRONMENTAL LAW SECTION

NANCY K. MENDEL, CHAIR

PURPOSE

The purpose of this section shall be to safeguard and enhance conservation and environmental quality; to promote the objectives of the CBA relative to environmental law; to promote the practice of environmental law, including compliance with the Rules of Professional Conduct; to foster relationships among attorneys with an interest in conservation and environmental law; to offer opportunities for discussion of and exchange of information about current issues; to aid in the drafting, review and interpretation of legislation and regulations; to assist with education of the general public, the news media, and others about conservation and environmental law; and to undertake such other activities as the section or the CBA may deem appropriate.

ANNUAL REPORT

Executive committee meetings were held as follows:

September 17, 2008—The committee voted on the 2008–2009 slate of officers and committee chairs.

October 23, 2008—The committee voted to authorize the chair to submit a request to CTDEP to allow for a 60-day comment period for the proposed revisions to the RSRs.