

### **Continuing Legal Education Programs**

1. October 22, 2008, "Story and Telling for Lawyers" presented by Professor Richard Krevolin, Power Story Consultants, Inc. and Jayne Amelia Larson, Communications Coach
2. April 3, 2009, "Global Prospective on Appellate Law" (Litigation Section was a co-Sponsor and presenter of the program)
3. April 20, 2009, "A Morning with Gerry Spence"
4. May 20, 2009, "Winning Your Trial Using Technology in the Courtroom"

### **Annual Meeting Programs**

1. "Film at 11:00: News, Views and Reflections of a Barrister Turned TV Broadcaster," presented by Manny Medrano, a reporter/anchor with KTLA News, a former Supreme Court correspondent for ABC News, and a former federal narcotics prosecutor. Attorney Medrano will make a presentation on news and events that have changed the fabric and landscape of our society, specifically high profile cases, and will also talk about the inner workings of the U. S. Supreme Court and its likely direction under the Obama Administration.
2. "Use of Expert Witnesses: The Dos and Don'ts," presented by David P. Atkins and Thomas J. Rechen (moderators) and the Honorable Christopher F. Dronney, United States District Court Judge, the Honorable Michael R. Sheldon, Superior Court Judge, and Stewart I. Edelman of Cohen & Wolf PC (panelists). This program is co-sponsored with the Federal Practice Section.

## **PLANNING & ZONING SECTION**

**CHARLES R. ANDRES, CHAIR**

### **PURPOSE**

The Planning and Zoning Section has continued to emphasize its core goals, which are to educate our own section members and the Bar in general about the changing law of land use, to educate lay members of local land use agencies about their legal authority and responsibilities, to improve the legislative structure within which land use decisions are made, and to foster goodwill and credibility between the Bar and the general community.

### **ANNUAL REPORT**

### **CLE SEMINARS**

On September 9, 2008, our section sponsored the Third Annual Property Rights Seminar. The seminar addressed recent developments in eminent domain and regulatory takings. The program was co-chaired by Attorney Dwight Merriam and Robert Poliner, Ombudsman for Property Rights. The speakers included six attorneys and an expert appraiser.

On October 16, 2008, our section conducted an all-day Advanced Land Use Seminar. The topics included Mixed Use and Form-based Zoning; Attaching Conditions to Approvals, Extensions, Modifications and Revocations; Historic Districts; Affordable Housing: An Update on § 8-30g and Incentive Housing Development Legislation; Regulation of Religious Land Uses in Connecticut following *Cambodian Buddhist Society of Connecticut v. Planning & Zoning Commission*; Coastal Regulation by Local Commissions and the DEP; and Conservation Easements in the Regulatory Process. Eleven attorneys from the section assisted with this program.

On May 12, 2009, our section sponsored "A Lawyer's Guide to Reviewing Real Estate Appraisals." This program addressed how to order and understand a property appraisal report. The faculty were Attorney Dwight Merriam and Norman Benedict, CRE, MAI.

At the CBA's Annual Meeting in June 2009, our section is co-sponsoring, with the Construction Law Section, a seminar, "Green Building Construction: Challenges and Opportunities for Lawyers and Clients." The program will present practical information on green construction for attorneys practicing in construction, environmental, governmental, and land use. Attorneys Marjorie Shansky and Robert Sitkowski are representing our section for this program.

#### **MONTHLY MEETINGS**

Speakers at the section's monthly meetings have addressed a number of timely subjects. Our speakers have included: The Honorable Thomas J. Corradino addressing the topic, "A Judge's Perspective on the Process of Land Use Appeals"; Representative Brendan Sharkey, discussing the proposals of the bipartisan Smart Growth Working Group; a joint meeting with the Young Lawyers Section addressing the topic, "Tips for Lawyers in the Land Use Practice"; Attys. John Fallon, Brian Stone, Marjorie Shansky, and Assistant Attorney General David Wrinn discussing the Supreme Court's recent decision, *Finley v. Inland Wetlands Commission of the Town of Orange*; William Neagus and Charles Coursey addressing "Public Relations in Land Use Battles"; Terrance Gallagher, P.E., Duke Bitsko, R.L.A., and Moderator Tom Cody addressing "Stormwater Management, Low Impact Development and Evolving Regulations: What Do You Need To Know?"

#### **LEGISLATION**

The section received permission from the CBA to oppose HB 6690, An Act Concerning Municipal Lobbying. On March 23, 2009, Eric Knapp testified on behalf of the section before the Government Administration and Elections Committee. As a result of the efforts of Don Phillips, Eric Knapp, and Chris Smith, the text of the bill has been modified to address most of the section's concerns.

Our January 2009 meeting was entitled "Preview of Land Use Proposals for the 2009 Legislative Sessions", and featured Rep. Brendan Sharkey, co-chair, Planning & Development Committee; Bill Ethier, chief executive officer, Homebuilders Association of Connecticut, Inc.; Chris Wood, Government Relations Committee chair, Connecticut Chapter of the American Planning Association; Gian Carl Casa, Connecticut Conference of Municipalities; Margaret Minor, executive director, Rivers Alliance of Connecticut; and Don Philips, Government Relations Council, Connecticut Bar Association. These speakers reviewed the legislative agendas for their various organizations.

#### **COMMUNITY EDUCATION**

On Saturday, March 28, 2009, the section sponsored its biannual seminar, "Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions." Over 280 local land use officials attended this all-day seminar at Wesleyan University, featuring 12 attorneys from this section. The topics included: Planning Commissions; Zoning Commissions; Non-Conforming Uses; Special Permit and Site Plan Review; Zoning Board of Appeals; Wetlands Law and Procedures; Conflict of Interest and Predisposition; Procedural Issues in the Municipal Land Use Process; Environmental Interventions; Affordable Housing and the HOME Connecticut Program; Things to Watch Out For: Religious Uses, Fair Housing/Disabled Persons, and Outdoor Furnaces; and Zoning and Wetlands Enforcement.

Our section has provided speakers for educational seminars for local land use commissioners sponsored by the Center for Land Use Education and Research (CLEAR). These seminars are offered for local

land use commissioners approximately four times a year at different locations in the state. The legal workshop for Commission members is entitled "Legal Requirements and Procedures of Land Use Decision Making." Richard Roberts and Ken Slater have chaired the committee organizing the speakers and the legal materials, and Mark Branse has contributed outline materials for these seminars.

Our section is also assisting the Department of Environmental Protection with its educational programs for local inland wetlands officials. In particular, section attorneys are addressing the topics of disqualification, conflict of interest, and local ethics codes.

#### **From the Chair**

Thanks to the lawyers who spoke at our monthly meetings: Attorney and Representative Brendan Sharkey; Bob Fuller, Chris Smith, Ira Bloom, Dwight Merriam, Joe Williams, Mark Branse, all of whom provided "Tips for Lawyers in the Land Use Practice" in a joint meeting with the Young Lawyers Sections; Attorney Dwight Merriam for his presentation of the annual "ZiPLER Awards" at our holiday gathering; Attorney John Fallon, Brian Stone, Marjorie Shansky, and David Wrinn in addressing the *Finley v. Inland Wetlands Commission* Supreme Court decision; Attorney Tom Cody at our April meeting on stormwater management; Attorney Bob Sitowski and Marjorie Shansky discussing Green Building regulation at our May meeting and the June CBA meeting. Thanks also to Dwight Merriam for organizing the third annual Property Rights seminar and the seminar "A Lawyer's Guide to Reviewing Real Estate Appraisals." Finally, thanks to the attorneys who prepared outlines in the Advanced Land Use CLE Seminar and the Wesleyan seminar for local land use officials: Timothy Bates, Robert Sitowski, Mark Branse, John Bradley, Jr., Ira Bloom, Matthew Ranelli, Dwight Merriam, Robert Fuller, Michael Zizka, Gregory Sharp, Kenneth Slater, Chris Smith, Brian Smith, Joseph Capossela, Austin Wolf, Janet Brooks, and Jane Friedman.

## **PUBLIC UTILITY LAW SECTION**

**STEPHEN J. HUMES, CHAIR**

#### **PURPOSE**

The Public Utility Law Section was established to address matters of substantive law involving the regulation of public utilities as well as administrative aspects of practice before the Connecticut Department of Public Utility Control ("DPUC"). The section's continuing goals are: (1) to promote communication among members of the bar involved in public utility law, (2) to promote an exchange of ideas relating to the practice of public utility law, (3) to provide a mechanism for education of the bar and the public on utility matters, and (4) to seek opportunities to improve the public utility regulatory process.

#### **ANNUAL REPORT**

##### **Officers**

Stephen J. Humes, Chair

Michael Kozlik, Vice Chair

Scott Myers, Secretary

Lee Hoffman, Treasurer

Burt Cohen, Legislative Liaison