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Don't forget! Renew your CBA membership for 2009-2010.

[Click here for a list of CBA member benefits.](#)



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CBA Capitol E-newsletter
February 13, 2009

The 2009 regular legislative session, a long session, commenced on January 7, 2009, and adjourns on June 3, 2009. To date, approximately 2,400 bills and dozens of resolutions have been filed.

*****UPDATE ON SALES TAX ON LEGAL SERVICES BILL*****

On **Monday, February 9**, the Finance Revenue & Bonding Committee held a public hearing on several bills, including House Bill 6349, An Act Concerning the Sales Tax on Services. HB 6349, if passed into law, would require the imposition of the Connecticut sales tax on legal services. The Connecticut Bar Association opposes the bill, and **CBA President Livia DeFilippis Barndollar** spent several hours at the Legislative Office Building that day meeting with legislators and testifying in opposition to the bill.

The CBA's efforts to oppose the bill will be ongoing, and include meeting with key legislators and providing information and records that demonstrate the detrimental effect a sales tax will have on clients as well as on attorneys and law firms. The CBA encourages its members to contact and ask their state legislators to oppose a sales tax on legal services. If you need help locating your legislators' contact information, you may click on the following link for additional assistance:
<http://www.cga.ct.gov/maps/townlist.asp>

What's Happening at the Capitol. The Governor submitted her budget recommendations to the General Assembly on Wednesday, February 3. A link to the Governor's budget follows:
<http://www.ct.gov/governorrell/cwp/view.asp?a=1317&Q=433326>

Various bills to implement the Governor's budget recommendations were introduced on February 4, several of which are or may be of great interest to the CBA, its sections and committees, and individual members. Section 254 of Senate Bill 837, An Act Concerning Various Fees, would increase the Attorney Occupational Tax from \$450 to \$565. House Bill 6385, An Act Concerning Reform of the Probate Court System would, among other things, reduce the current number of probate courts from 117 to 36 and would require all probate court judges to be attorneys with a minimum of ten years experience. House Bill 6363, An Act Implementing the Governor's Budget Recommendations Concerning General Government, Conservation, Development, Regulation, Protection, Judicial and Corrections, would, among other things, close the courthouses located in Bristol and Meriden. House Bill 6375, An Act Concerning Review and Termination of Certain Boards and Commissions, proposes to eliminate scores of boards and commissions, including but not limited to the Uniform Law Commission, the Commission for Child Support Guidelines, and the Commission on Human Rights and Opportunities.

On **Wednesday, February 11**, **Suzy Brown Walsh** testified before the Appropriations Committee on

behalf of the CBA to support continued funding for the Uniform Law Commission, which commission is included among the entities for potential elimination in House Bill 6375 (*see above*).

Looking Ahead at the Capitol. On **Wednesday, February 18**, the Judiciary Committee is scheduled to hold a public hearing on the nomination of the Honorable C. Ian McLachlan of Chester, to be a Justice of the Supreme Court.

On **Monday, February 23**, the Judiciary Committee is scheduled to hold a public hearing on judicial nominations, followed immediately thereafter by a committee meeting to consider and act on the nominations. Following is a list of the nominations that the committee will consider:

To be a Senior Judge:

Honorable Francis J. Foley III of Hanover;

To be a Judge of the Superior Court:

Honorable Angelo L. dos Santos of Eastford; Honorable George N. Thim of Trumbull; Honorable Peter Emmett Wiese of Avon;

To be a Judge of the Superior Court:

Gerard I. Adelman of Meriden; Mary-Margaret D. Burgdorff of West Hartford; Corinne L. Klatt of Meriden; Vernon T. Oliver of Portland; Sheila A. Ozalis of Newtown; Jose A. Suarez of West Hartford; William J. Wenzel of Fairfield; Dawne G. Westbrook of Glastonbury; and Glenn A. Woods of Middletown.

Also on **Monday, February 23**, the Appropriations Committee is scheduled to hold a public hearing on the budget of the judicial branch. **CBA President Livia DeFilippis Barndollar** is preparing to testify at the public hearing that evening with respect to funding for legal services providers.

On **Friday, February 27, 2009**, **Livia DeFilippis Barndollar, CBA Executive Director Norm Janes, and CBA staff lobbyists Don Philips and Bill Chapman** are scheduled to meet with **Speaker of the House Christopher G. Donovan** (D, Meriden) to review and discuss the CBA's top legislative priorities for the 2009 legislative session.

Looking Ahead at the CBA. The next regular meeting of the CBA House of Delegates is March 9, 2009. The deadline for submitting requests for inclusion on the House's agenda is February 26, 2009.

New CBA Legislation Review Committee Meeting Schedule, Procedures. The LRC shall meet via teleconference **at 4 p.m. on each Thursday** from January 15, 2009, through April 30, 2009. The deadline for submitting requests and required materials to CBA legislative staff to be included on the regularly scheduled LRC meeting agenda shall be **no later than 2 p.m. on the Monday** prior to the scheduled meeting

If no requests are received by the scheduled deadline, CBA legislative staff will notify LRC members, sections, and committees in advance that the scheduled meeting that week is cancelled.

Legislative Agenda. The CBA's legislative agenda consists of several association, section, and committee positions. For more information about the legislative agenda and other legislative information, including policies and a link to the legislature's home page, check out Capitol Update on the CBA homepage. [Click on link](#): (Please note that link requires CBA member login and password information.)



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CBA Capitol e-newsletter
April 20, 2009

*****Legislative Alert - Sales Tax Bill Fails in Committee*****

**CBA seeks your help to continue fight against a sales tax on legal services
E-mail your legislator on **April 30****

Good news! House Bill 6349, An Act Concerning the Sales Tax on Services, which proposed to extend the sales tax to professional services, including legal services, failed in committee when the Finance Revenue & Bonding Committee did not act on the bill prior to its deadline to approve bills. However, the fight against a sales tax on legal services is not over. It is still possible for a sales tax on legal services to be included in the biennial budget that is presently under consideration by the legislature. Although such a provision was not included in the bills passed by the Finance and Appropriations Committees, negotiations on the budget are continuing. We need your help to continue to put pressure on lawmakers and to let them know that a sales tax on legal services is bad public policy. For a sample e-mail message that you can send to your legislators and to find the email addresses for your legislators, [click here](#).

Fast Fact. Sessions held by the State House of Representatives and Senate and many legislative committee meetings and public hearings can be viewed on-line on the Connecticut Network (CT-N). Besides live webcasts of legislative activities, CT-N has network programs, interviews with policymakers, coverage of press conferences and a significant archive for viewing free of charge. To access CT-N, [click here](#).

What's happening at the Capitol. Last week, the House and Senate held a session day on April 14.

Several CBA legislative proposals remain pending at this time, while several more bills of great interest to the Association or one of its sections have been approved by the original legislative committee of cognizance and are also pending further consideration. Following is a table of the current status of bills of interest to the CBA:

Bill No. and Name	Committee Introducing Bill	Date approved by Committee of Cognizance	Current status	CBA or section introducing or supporting bill
Senate Bill 1157, An Act	Judiciary	March 27	Pending on the Senate Calendar	CBA

Concerning Funding for Legal Services and Judicial Branch Technology				
Senate Bill 1117, An Act Establishing a Demonstration Project for an Office of Administrative Hearings	Government Administration and Elections	March 25	Pending on the Senate Calendar	CBA, on behalf of the Administrative Law Section
House Bill 6628, An Act Adopting the Revised Uniform Arbitration Act	Judiciary Committee	April 3	Pending on the House Calendar*	Alternative Dispute Resolution Section
Senate Bill 963, An Act Concerning the Connecticut Business Corporation Act	Judiciary	March 27	Pending on the Senate Calendar	Business Law Section
Senate Bill 957 , An Act Concerning Medicaid Eligibility for Persons Living in Residential Care Homes for State Supplemental Assistance	Human Services	March 10	Referred from the floor of the Senate to the Public Health Committee on April 14	Elder Law Section
Senate Bill 455, An Act Concerning the Nursing Home Bill of Rights	Judiciary	April 3	Pending on Senate Calendar	Elder Law Section

Senate Bill 576, An Act Concerning the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	Judiciary	April 3	Pending on Senate Calendar*	Elder Law Section and Estates & Probate Section
Senate Bill 650, An Act Concerning the Creation of Trusts for the Care of Domestic Animals	Judiciary	March 31	Pending on the Senate Calendar*	Estates & Probate Section
House Bill 6027, An Concerning Probate Court Reforms	Judiciary Committee	April 1	Pending on the House Calendar*	Estates & Probate Section
Senate Bill 1083, An Act Concerning Amendments to the Connecticut Uniform Principal and Income Act	Judiciary	April 1	Pending on the Senate Calendar*	Estates & Probate Section
Senate Bill 899, An Act Implementing the Guarantee of Equal Protection Under the Constitution of the State for Same Sex Couples	Judiciary	March 30	Pending on the Senate Calendar	Family Law Section
Senate Bill 816, An Act	Human Services	February 26	Referred from the floor of the	Family Law Section

Concerning Child Support Collections.			Senate to the Public Health Committee on April 14	
House Bill 6578, An Act Concerning the Penalty for a Capitol Felony Proceedings	Judiciary	March 30	Pending on House Calendar*	Human Rights & Responsibilities Section
Senate Bill 708, An Act Adopting the Uniform Unsworn Foreign Declarations Act	Judiciary	March 31	Pending on the Senate Calendar*	International Law & Practice Section
Senate Bill 1099, An Act Concerning Certain Appeal Procedures	Judiciary Committee	March 31	Pending on the Senate Calendar*	Workers' Compensation Section

*Awaiting final action by Legislative Commissioners' Office, Office of Fiscal Analysis and Office of Legislative Research before File Copy is issued and matter assigned a calendar number

Looking ahead at the Capitol. The House and Senate are planning to go into session on Wednesday, April 22.

CBA Day at the Capitol. The CBA is planning to host CBA Day at the Capitol in the Concourse of the Legislative Office Building on Wednesday, May 13, to educate legislators, staff and the public about public service, legal related education and other services the CBA provides to the public. Additional details will be announced in a future Capitol e-newsletter.

Looking ahead at the CBA. The next regular meeting of the CBA Board of Governors is on May 11, 2009.

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*****LEGISLATIVE ALERT*****

Governor Rell Signs Legal Services Funding Bill

Governor M. Jodi Rell has signed into law [Public Act 09-152](#), An Act Concerning the Interest Earned on Lawyers' Clients' Funds Account Program and the Transfer of Certain Court Fees to Fund Such Program. PA 09-152 takes effect on July 1, 2009.

The act, a legislative priority of the Connecticut Bar Association, will provide approximately 7.7 million dollars of revenue to legal aid providers at a time when revenue from the Interest on Lawyers Trust Accounts program, a major source of funding for legal aid providers, has declined by approximately 85%. The act increases certain court fees and requires the judicial branch to certify the amount of revenue received as a result of in the increased fees and transfer that amount to the Connecticut Bar Foundation. Those court fees are:

1. The jury fee in civil actions, from \$ 350 to \$ 425;
2. The filing fee for bringing a case in the Superior Court, from \$ 225 to \$ 300;
3. Designation of a case as a complex litigation case from \$ 250 to \$ 325;
4. Application for a prejudgment remedy, from \$ 100 to \$ 175;
5. a motion to open, set aside, modify, or extend any Superior Court civil judgment from \$ 70 to \$ 125 (small claims cases stay at \$ 25 and housing cases at \$ 35);
6. filing a motion to open or reargue a judgment in any civil appeal rendered by the Supreme Court or Appellate Court or to reconsider any other civil matter decided in either court from \$ 70 to \$ 125; and
7. Application by a judgment creditor for a wage execution against a judgment debtor who fails to comply with an installment payment order, from \$ 35 to \$ 75.

The act also makes changes to the IOLTA statutes. Under the law, lawyers must consider the following in determining whether to deposit a client's funds in an IOLTA account:

1. The amount of the funds to be deposited;
2. The expected duration of the deposit, including the likelihood of delay in resolving the relevant transaction, proceeding, or matter for which the funds are held;
3. The interest rates, dividends, or yield at eligible institutions where the funds are to be deposited;
4. the costs associated with establishing and administering interest-bearing accounts or other

appropriate investments for the client's benefit, including service charges, minimum balance requirements, or fees;

5. The costs of the lawyer's or law firm's services for establishing and maintaining the account or other appropriate investments;

6. The costs of preparing any tax reports required for income earned on the funds; and

7. Any other circumstances that affect the capability of the funds to earn income for the client in excess of the costs incurred to secure the income.



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*****Legislative Alert*****

**Governor Rell to sign Public Act 09-229 after 5pm on Tuesday,
June 30 - Increase in town clerk recording fees to take effect July 1.**

Public Act 09-229 contains a provision increasing the recording fee for the first page of documents on municipal land records by an additional \$10. The act is to take effect immediately upon approval by the Governor. The Governor has announced that she intends to sign the bill after 5pm on Tuesday, June 30. Consequently, the act, including the increase in recording fees, will take effect immediately and the increase in recording fees will commence effectively on July 1, 2009.

To view the provision concerning the increase in recording fees in Public Act 09-229, click here <http://www.cga.ct.gov/2009/ACT/Pa/pdf/2009PA-00229-R00SB-00891-PA.pdf> and view section 27 of the act.

Don Philips

http://www1.ctbar.org/ConnecticutLawyer/files/AugSept07_SuccessLegislativeSession.pdf