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The Need for Expectation

I would be remiss if I did not begin my first column as the chair of the Young Lawyers Section (YLS) without first thanking last year's executive committee, and particularly our outgoing chair, Emily Graner Sexton, for all the hard work that was put into making 2014-2015 another successful year for our section. Throughout her YLS career, Emily has been an exceptionally hard worker and steadfast presence in our group. More importantly, she has been a good friend and sounding board during our shared years as officers of the section. Like all of the YLS chairs that I have had the fortune of working with, she has left big shoes to fill and a high level of expectations for the upcoming bar year.

Expectations can be viewed in a variety of ways. There are hundreds of instances where people fall to the pressure of expectations in the sports arena, in the world of politics, and in the practice of law. But we have also been given an equal number of examples of those who have not only lived up to expectations, but have exceeded them. Why do some succeed where others fail? I'm not sure there is a definitive answer to that question, but in my opinion, those who succeed are typically those who have an expectation that they will do so. Setting high expectations for yourself, and believing that you will succeed irrespective of what is thrown at you, is an incredibly valuable character trait to have in life.

So how does the need for expectation relate to the Young Lawyers Section? New attorneys entering our vocation with little work and high debt need to have the ex-

pectation that they will have successful careers, that they can make positive contributions to their profession, and that they will use their law degrees to attain goals they would not have otherwise had the opportunity to reach.

For years, the YLS has been the face of the Connecticut Bar Association because of our significant involvement in working with young attorneys and law students, for organizing continuing legal education programming, and for serving as the charitable arm of the CBA. We have been consistently effective in these areas, but our efforts need to increase. We need to believe that we can develop new methods of attracting all JDs to our association, including non-attorneys. The hard truth is that the legal profession is changing, and our bar association needs to attract, and retain, more young professionals in order to sustain any level of growth. The YLS will be at the forefront of that effort, and in an attempt to address this need, our 2015-2016 bar year will be strongly focused on leadership training, professional networking, and experiential learning.

The Young Lawyers Section's membership—those attorneys who are 37-years-old or younger, or those who have been admitted to the bar for less than six full years—wants to attend events that will enhance their employment prospects and expand their professional networks. With employers hiring fewer attorneys, many young lawyers are hanging their own shingles, and are looking for a place where they can be given the skills to help create and grow their own businesses. For

attorneys looking to prosper in large firm settings, they need guidance from those who have already made the associate to partner journey, as well as the ability to attend events that their supervisors view as marketing opportunities. In-house, government, and non-practicing attorneys need an organization that lets them stay connected to the legal community without necessarily having to focus on continuing legal education programs or events that cater specifically to those in private practice. There are voids in the legal marketplace for all of these people, and the Connecticut Bar Association

needs to become known as the entity that can fill those gaps.

There is little question that our profession is in need of a cultural shift, particularly in the way we operate as a bar organization. The YLS intends to model the way for our membership, and will lead by example during this transition. We enter this year with the goal of having events that address work/life balance. We will have programming that caters to our members with young families so that they can interact with other attorneys that share similar responsibilities. And in an effort to broad-

en our reach and increase marketing opportunities, we will organize networking events that will introduce our membership to professionals from non-legal backgrounds.

In short, the Young Lawyers Section will provide opportunities and training to our members so that they will have a desire to stay engaged with the Connecticut Bar Association throughout their careers, and so that they have confidence that they will have sustained success within this profession for years to come. As leaders of the bar, we should expect nothing less. **CL**

Highlights

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while making repairs and after an original proof of loss had been submitted by the insurer and honored by the insured presents an issue of fact which cannot be resolved on the insurer's motion for summary judgment.

Real Property

Johnson v. Evans, 59 CLR 935 (Wilson, Robin L., J.), holds that the filing of a partition action by one of two joint owners of real property held jointly with the right of survivorship does not automatically sever the joint tenancy into a tenancy in common, but rather is merely one factor to be considered for purposes of determining whether both owners intended to convert the tenancy into a tenancy in common. The opinion holds that the filing of the partition action, coupled with the parties' subsequently agreement to list the property for sale in order to avoid a sale by auction, are sufficient to establish an intent by both parties to treat the property as owned in common rather than jointly. Therefore following the death of the owner that had sought to avoid the sale of the property, the property is owned in common by the surviving joint tenant and the beneficiaries of the decedent's estate.

The Statute of Frauds does not apply to a transfer of an interest in real prop-

erty pursuant to a litigation settlement agreement. *Caldwell v. Graham*, 59 CLR 875 (Truglia, Anthony D., J.).

An adult child's promise to a parent to share the value of real property previously conveyed to the child with the child's siblings constitutes an unenforceable executory promise to make a gift in the future. *Roy v. McInerney*, 60 CLR 62 (Vacchelli, Robert F., J.).

Social Services

The Department of Social Services has primary jurisdiction over a probate court to determine whether a testamentary trust granting discretionary authority to make distributions for the beneficiary's care is a "general support" trust, which must be treated as an available asset for purposes of determining medicaid eligibility, or a "supplemental needs" trust, which is not an "available asset" for eligibility purposes. The Department, therefore, is not bound by an earlier Probate Court ruling declaring the trust to be an exempt "supplemental needs" trust. *Pikula v. Commissioner of Social Services*, 59 CLR 297 (Schuman, Carl J., J.). The opinion denies the Medicaid applicant's claim that the Department was collaterally estopped by the Probate Court's ruling.

In re Elijah, 59 CLR 858 (Dyer, Richard W., J.), denies a motion to implead the Department of Development Services into a parental termination proceeding filed by a parent with developmental

disabilities. The parent argues that DDS participation is likely to be necessary to implement statutory reunification services mandated by the Department of Social Services. The opinion reasons that because the mother only recently commenced receiving DDS services it was not yet clear whether DDS would be able to provide services that would enhance the mother's ability to obtain reunification with the child.

Sports Law

Lukacko v. Connecticut Islanders, LLC, 60 CLR 34 (Arnold, Richard E., J.), holds that Connecticut has adopted the "Limited Liability Rule" pursuant to which the operator of a sports arena is required to provide protective measures for spectators only with respect to that portion of the arena which poses the greatest risk to spectators, otherwise relieving the operator of liability for injuries to spectators caused by risks inherent in a spectator sport. The opinion holds that the operator of a professional hockey arena satisfied its duty to protect spectators from errant hockey pucks by providing a nine-foot Plexiglass screen along the sides of the arena above the four-foot wooden barrier surrounding the entire playing surface, and a 12-foot Plexiglass screen and a safety net along the ends of the playing surface. The opinion grants the defendant's motion for summary judgment in an action brought by a spectator who was hit by a puck while sitting in a side area of the arena. **CL**