

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JACOBY & MEYERS LAW OFFICES, LLP,	:	CIVIL ACTION NO.
	:	3:11-CV-00817 (CFD)
	:	
Plaintiffs	:	JANUARY 13, 2012
	:	
v.	:	
	:	
JUDGES OF THE CONNECTICUT SUPERIOR COURT,	:	
	:	
	:	
Defendants.	:	

**MEMORANDUM IN SUPPORT OF MOTION FOR PERMISSION
TO PARTICIPATE AS AMICUS CURIAE**

The Connecticut Trial Lawyers Association ("CTLA") respectfully submits this Memorandum in support of the attached Motion for permission to appear as amicus curiae, submit a brief, and argue orally, in support of the defendants' motion to dismiss in the above-captioned matter. In the event that the Court deems this motion untimely filed,¹ CTLA also respectfully requests permission to file this motion and the brief out of time.

I. Background

The plaintiff, Jacoby & Meyers Law Offices, LLP, brings this suit on behalf of itself and all entities and persons licensed to practice law in the State of Connecticut, with the

¹ The complaint was filed on May 18, 2011. Defendants filed a motion to dismiss on August 18, 2011. Plaintiffs filed a memorandum in opposition on September 23, 2011, and defendants replied on October 21, 2011. The case was transferred to the Honorable Robert N. Chatigny on December 21, 2011. The Court's May 18, 2011 Order on Pretrial Deadlines provides that "All motions relating to joinder of parties . . . shall be filed within 60 days after filing of the complaint," and the Court's August 16, 2011 order extended that deadline to August 18, 2011. The Court's Orders do not specifically address applications by would-be amici.

ORAL ARGUMENT REQUESTED

exception of the defendants. (Complaint, 34.) Through this action, plaintiff seeks an injunction and declaratory ruling that will allow a law firm that provides legal services in the state of Connecticut to raise capital by allowing non-lawyers to purchase an equity interest. Currently, Rule 5.4(d) of the Connecticut Rules of Professional Conduct prohibits an attorney from practicing in the State of Connecticut "with or in the form of a professional corporation or association authorized to practice law for profit, if [a] nonlawyer owns any interest therein. . . ."

II. Interests of Amicus Curiae and Need for Amicus Brief

A. Nature of the Movant's Interest

CTLA is a non-profit Connecticut corporation dedicated to the preservation of the rights of injury victims. The general goal of CTLA's members is to maintain full and fair access for victims to redress in the courts. CTLA seeks to participate as amicus curiae in cases raising important or novel issues likely to affect injury victims beyond the parties in the particular case.

Injury victims generally do not possess the financial means or the organizational ability to protect their interests as a group. Narrow issues in any particular case can have the potential for broad implications affecting countless individuals. Such individuals rely on trial lawyers' organizations, including CTLA, to represent their interests in a professional and responsible manner.

Aside from protecting the interests of its clients, CTLA has a distinct interest in the present matter, which plaintiff purports to bring on behalf of all others authorized to practice law in the State of Connecticut. (Complaint, 1.) CTLA's more than 1,300 members constitute

a large part of the Connecticut trial bar. As such, CTLA's membership base constitutes a significant portion of the class that plaintiff claims to represent in this action.

B. Reasons Why Movant Should Be Allowed To File An Amicus Brief

CTLA believes that it can be assistance to the court as an amicus curiae in this case. While CTLA agrees with the legal arguments presented in the defendants' Motion to Dismiss and the amicus brief of the Connecticut Bar Association, CTLA proposes to speak to several broader policy considerations of particular importance to its members, including but not limited to the following.

First, CTLA intends to argue that revoking or enjoining enforcement of Rule 5.4 would have serious repercussions for injury victims and other consumers of legal services. Because the legal profession is largely self-regulated, its clients — especially those of limited means — depend on the grievance procedure as an important safeguard of their rights and interests. Eliminating Rule 5.4 would, in essence, deprive them of the protection of all of the Rules of Professional Conduct, by creating a class of persons who would be in a position to control legal practices and yet would not fall under the authority of the Rules.

Second, CTLA intends to argue that, for many potential consumers of legal services, equity financing is unnecessary in order to ensure the availability of high quality legal services. Alternative approaches, ranging from contingent fee systems to the very technologies touted by the plaintiff, continue to fill many of the gaps in the provision of legal services. Depriving those clients who are adequately served under the present regime of the protection of the Rules would be an unmitigated detriment.

III. Conclusion

For these reasons, CTLA respectfully requests that the Court grant the attached motion, allowing CTLA to file a brief as amicus curiae in this matter. If granted leave to participate, CTLA respectfully requests permission to file its amicus brief thirty days from the granting of this motion.

Respectfully submitted,

MOVANTS,
CONNECTICUT TRIAL LAWYERS
ASSOCIATION

BY: /s/ James W. Bergenn

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CERTIFICATION OF SERVICE

I hereby certify that on January 13, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this Filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/s/ James W. Bergenn
James W. Bergenn