

DOCKET NO. UWY-CV24-6078511-S

OFFICE OF CHIEF DISCIPLINARY COUNSEL

V

ERICA TODD-TROTТА

: SUPERIOR COURT

: J.D. OF WATERBURY

: DISCIPLINARY MATTERS

DOCKET

: DECEMBER 11, 2025

STATE OF CONNECTICUT
SUPERIOR COURT
JUDICIAL DISTRICT
OF WATERBURY
2025 DEC 11 4:31

MEMORANDUM OF DECISION RE MOTION FOR CONTEMPT #123

In this matter, the Office of Chief Disciplinary Counsel (petitioner) filed a one count presentment against Erica Todd-Trotta (respondent), juris number 407314, arising out of an IOLTA audit. On January 10, 2025, this court placed the respondent on interim suspension, ordering, inter alia, that the respondent comply with Practice Book § 2-47B. 1 To date, the respondent remains on interim suspension.

1 Sec. 2-47B. Restrictions on the Activities of Deactivated Attorneys provides as follows:

(a) As used in this section:

(1) A “deactivated attorney” is an attorney who is currently disbarred, suspended, resigned, or on inactive status.

(2) A “supervising attorney” is an attorney:

(A) who has been approved by the court as a supervising attorney for a deactivated attorney in accordance with subsection (e) of this section;

(B) who is in good standing with the bar of this state;

(C) who was not affiliated with the deactivated attorney as an employer, employee, partner, independent contractor or in any other employment relationship at the time of the deactivation; and

(D) who did not serve as an attorney pursuant to Section 2-64 in connection with the disbarment, suspension, resignation or placement on inactive status of the deactivated attorney.

(3) A “law-related activity” is:

(A) engaging in the practice of law as defined by Section 2-44A;

(B) representing a client in any legal matter, including discovery matters;

(C) negotiating or transacting any matter for, or on behalf of, a client with third parties, or having any contact with third parties regarding such negotiation or transaction;

(D) receiving, disbursing or exercising any control over clients' funds or other property held in trust and related accounts;

(E) using the titles “attorney” or “lawyer,” or the designations “Esq.,” or “J.D.” to describe oneself; or

(F) communicating with clients and third parties regarding matters that are the subject of representation by the supervising attorney or his or her firm.

(4) “Employ” means to engage the services of another, including employees, agents, independent contractors and consultants, regardless of whether any compensation is paid.

(b)(1) No deactivated attorney shall be permitted to engage in any law-related activities or to be employed as a

On August 11, 2025, the petitioner filed a motion for contempt, alleging that the respondent failed to comply with the January 10, 2025 court order by engaging in law-related activities, specifically, by continuing to represent the interests of the claimant in a workers compensation matter and by holding herself out as an attorney by virtue of her email signature blocks. The motion states that it was brought pursuant to Practice Book §1-13A and asks for “appropriate sanctions.”² The respondent filed an objection to the motion on September 8, 2025,

paralegal or legal assistant unless expressly permitted by the court as provided in this section.

(2) The court may expressly permit, by written order, a deactivated attorney to perform any of the following activities, under the supervision of a supervising attorney, as provided herein:

(A) performing legal work of a preparatory nature, such as conducting legal research, assembling data and other necessary information, and drafting transactional documents, pleadings, briefs, and other similar documents; and

(B) providing clerical assistance to the supervising attorney.

(c) No attorney who knows or should have known that an attorney's license has been deactivated, shall employ the deactivated attorney to engage in any law-related activities or to act as a paralegal or legal assistant, without the permission of the court, as provided in this section.

(d) A deactivated attorney shall not engage in law-related activities or be employed as a paralegal or legal assistant on behalf of any client previously represented by the deactivated attorney or for whom the deactivated attorney had previously provided any legal services in the ten year period prior to deactivation. During the period of employment of the deactivated attorney, the supervising attorney or his or her firm shall not assume representation of any matter on behalf of any client previously represented by the deactivated attorney or for whom the deactivated attorney had previously provided any legal services in the ten year period prior to deactivation.

(e)(1) An attorney desiring to become a supervising attorney shall file a written application on a form approved by the Office of the Chief Court Administrator.

(2) The application shall be filed with the court in the docket number of the matter in which the deactivated attorney was suspended, disbarred, placed on inactive status or resigned. A copy of the application shall be served by the applicant on the Office of the Chief Disciplinary Counsel.

(3) An application filed under this section shall be assigned to the same judge who presided over the matter in which the deactivated attorney resigned or was disbarred, suspended, or placed on inactive status. If that judge is no longer available, the administrative judge in the judicial district where the deactivation proceeding was held shall assign the matter to another judge.

(f) The court shall schedule the application for a hearing to determine the following:

(1) whether the deactivated attorney should be permitted to perform the activities permitted herein;

(2) whether the attorney will be appointed to serve as the supervising attorney for the deactivated attorney; and

(3) whether any additional monitoring, conditions, or restrictions are necessary.

(g) If the relationship between the supervising attorney and the deactivated attorney terminates, the supervising attorney shall send written notice to the court within fifteen days of the termination of the relationship. A copy of the written notice shall be served on the Office of the Chief Disciplinary Counsel.

(h) Violation of this section by the deactivated attorney or the supervising attorney shall constitute a violation of Rule 8.4 (4) of the Rules of Professional Conduct.

(i) In any application for reinstatement, the supervising attorney and a deactivated attorney under the supervision of a supervising attorney pursuant to this section shall certify that he or she has complied with the requirements of this section during the period of suspension, disbarment, resignation, or inactive status.

² Sec.1-13A, Contempt, provides as follows:

(a) Any person or court officer misbehaving or disobeying any order of a judicial authority in the course of any judicial proceeding may be adjudicated in contempt and appropriately punished.

and joint stipulations of fact were filed on November 13, 2025. Evidentiary hearings took place on October 3, 2025 and November 13, 2025. Having considered the evidence, including the testimony of witnesses, admissions to the presentment, stipulations of fact, and full exhibits, the court finds, by clear and convincing evidence, as follows.

The respondent is an attorney admitted to the bar of the State of Connecticut on December 11, 1992. The respondent knew of the interim suspension order entered on January 10, 2025, and that the order prohibited her from practicing law while under suspension.

On April 30, 2025, the respondent sent the petitioner an email with the following signature block:

Erica W. Todd-Trotta. Esq.
TROTТА, TROTТА & TROTТА
900 Chapel Street, 12th floor
P.O. Box 802
New Haven, Connecticut 06503

When the petitioner pointed out that the respondent could not hold herself out as an attorney and needed to revise her signature block, the respondent immediately attempted to correct it by deleting “Esq.” from the signature block. The respondent promptly asked the petitioner for confirmation that it had been corrected, emailing the petitioner that same day with a different signature block:

Erica W. Todd-Trotta
Trotta, Trotta, and Trotta
P.O. Box 802
900 Chapel Street, 12th floor

(b) Contempt may be either criminal or civil. When criminal, it may be summary or nonsummary criminal contempt.

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The petitioner answered within minutes, stating that "(a)ll the references to the firm, as well as your certification, etc(sic) should be removed." The respondent attempted to do so.

Emails sent by the respondent to the petitioner on June 5,2025 and to a property management group on August 26,2025 did not include language in the signature block where the respondent held herself out as an attorney. However, a March 14,2025 email from the respondent to the court appointed trustee, Attorney Lee Johnson (trustee), a June 9, 2025 email between the respondent and her paralegal Maryann Pascarelli (Pascarelli) 3 as well as a July 30,2025 email from the respondent to the petitioner contained a third iteration of the signature block:

Erica W. Todd-Trotta. Esq.

TROTTA, TROTTA & TROTTA

900 Chapel Street, 12th floor

P.O. Box 802

New Haven, Connecticut 06503

(203)787-6756 telephone

The above referenced emails sent by the respondent were sent from multiple devices, specifically, her office computer and her cell phone and she did not personally email any clients or opposing counsel following her suspension. The court finds that while the respondent's efforts to correct the signature blocks fell short of what was required to

3 As discussed in more detail below, Pascarelli forwarded this email, including the signature block, to Christopher Petter (Petter), opposing counsel in a workers compensation matter for former client George McCarroll (McCarroll).

comply with our rules and while the respondent was negligent in her failure to conform her signature block, she did not intentionally utilize the signature blocks to deceive anyone or engage in the practice of law. The court, in the interest of justice and in exercising its discretion, finds no contempt or misconduct as it relates to the signature blocks.

The respondent and her paralegal have been cooperative with the trustee in this matter, promptly turning over approximately sixty client files to the trustee. The trustee sent letters to the respondent's clients and instructed Pascarelli, employed by the respondent's firm for approximately twenty-six years, to monitor the client files and to provide him with deadlines, new dates or information about significant developments for any clients who had not retrieved their file from him or who had not retained new counsel. 4 Neither Pascarelli nor the respondent were to contact clients. 5 The trustee did not file appearances in the pending cases and therefore did not receive notices from the court or pleadings filed by opposing counsel. Pascarelli was able to monitor the files either through e-services or on the Judicial Branch website. The respondent was advised by the trustee that once a client retrieved a file from the trustee, the trustee would no longer have any involvement with that file or client.

Sometime after January 17, 2025, after receiving notice of the respondent's suspension, the Legal Director for the Workers' Compensation Commission sent an undated letter to the respondent, stating that it had "come to [her] attention that, despite your current suspension from the practice of law, you continue to request hearings and/or work on behalf of your clients." It further stated that "until such time as your suspension is lifted, you will not be allowed to appear before the Workers Compensation Commission,

4 Pascarelli complied, subsequently informed the trustee of scheduling order deadlines for the Rosario case, a deposition date for the Tyson case, a statute of limitations deadline in the Wells matter, a discovery deadline and a pretrial in the Way case, and a statute of limitations deadline in the Lindsay matter

5 At odds with this instruction was the March 11, 2025 email from the trustee to the respondent, telling the respondent to forward the Teams link to Tyson, a client mentioned in the preceding footnote, for a remote proceeding taking place the following day.

ANY HEARINGS ALREADY SCHEDULED WILL BE CANCELLED, AND NO ADDITIONAL

HEARINGS WILL BE SCHEDULED” (emphasis added). However, as discussed below, hearings did go forward nonetheless.

On February 20, 2025, the respondent was sent correspondence from the Hon. Brenda Jannotta, Administrative Law Judge for the Fourth District, regarding a February 19, 2025 hearing where no one appeared for McCarroll. It stated that while the respondent could not appear before the commission given the suspension, “in lieu of your appearance, the hearing should either have been cancelled or the court appointed trustee should have been informed of the hearing so that they could have appeared in your place.

YOUR FAILURE TO ENSURE THAT ONE OF THESE OPTIONS WAS ACCOMPLISHED...cannot

be tolerated...I REMIND YOU THAT YOU ARE REQUIRED TO ENSURE THAT SOMEONE ATTENDS EACH HEARING FOR WHICH YOU HAVE RECEIVED PROPER STATUTORY NOTICE...In addition.... sanctions in the amount of \$500.00 may be imposed for non-appearance at a duly noticed hearing for undue delay.” (emphasis added). In short, the respondent was told in no uncertain terms that it was her obligation to have the hearing cancelled, or to arrange for the trustee or “someone” to attend each hearing. This correspondence was at odds with that of the Legal Director, who stated clearly that any hearings already scheduled would be cancelled, and that no additional hearings would be scheduled.

McCarroll was one of the respondent’s first clients to retrieve his file from the Trustee. On March 7, 2025, Pascarelli filed a Form 36 objection in his workers compensation matter. Signed by Pascarelli on behalf of McCarroll, it utilized the respondent’s firm juris number, 064478, and listed the firm’s name, address and phone number. The respondent, concerned that McCarroll would lose his weekly benefits, had Pascarelli file the objection before the deadline to do so passed. The respondent did not notify the trustee of the Form 36 issue or deadline as McCarroll had already retrieved his

file from the trustee, nor could she properly contact McCarroll. The respondent's decision to have her paralegal file the objection, while born out of concern that McCarroll would otherwise lose his weekly benefit checks rather than out of any concern for her fee or personal financial gain, was nonetheless a deliberate choice she made to disregard the suspension order.

The respondent, having received a notice on March 6, 2025 regarding a hearing in the Third District for another workers compensation client, Anthony Croce (Croce), emailed the trustee on March 14, explaining that she was told that all her workers compensation hearings would be cancelled. The trustee responded immediately, indicating that Croce requested the hearing and wanted to proceed.

In early March of 2025 Petter, opposing counsel in the McCarroll case, received a phone call from an individual who identified himself as working for the respondent's firm, requesting that he consent to the cancellation of the March 13, 2025 hearing as Pascarelli had a family issue and no one else was available to attend the hearing. On March 10, 2025, at the respondent's request, Pascarelli signed and filed a hearing cancellation request. While neither the firm name nor the firm juris number appeared on the request, the address and phone number of the firm was listed. The stated reasons for the request were "awaiting medical reports" and "death in family". The respondent knew that the commission was aware of her suspension and had told her that all her hearings would be cancelled, was aware of Judge Jannotta's instructions that it was the respondent's responsibility to ensure that either a hearing was cancelled or that the trustee or someone appeared, and reasonably believed that the cancellation request was an administrative task necessary to avoid sanctions in light of Judge Jannotta's directive. Knowing that the trustee no longer had any involvement with the McCarroll matter, and aware that they could not contact clients directly, the respondent's choice, although not the best choice, was not done willfully in intentional violation of the suspension order. This respondent's conduct was made in good faith and excused by the

confusing prior communications from the Legal Director and Judge Jannotta.

On or about March 7, Pascarelli had in fact called the trustee regarding McCarroll and other clients, and the trustee responded by email on March 7. Pascarelli replied by email on March 11 asking “what the protocol (was) with regard to giving guidance to our clients especially those who wished to stay with us even after receiving the letter from your office.” The trustee emailed back within minutes, warning Pascarelli not to give legal advice, cautioning her regarding the unauthorized practice of law, and stating that McCarroll, who he assumed did not have a new attorney, should contact the workers compensation office and ask them what to do about the March 13 hearing. Pascarelli immediately emailed the trustee back, explaining that what she was trying to ask was what the protocol was for the trustee’s office regarding giving clients guidance for upcoming hearings and deadlines.

The trustee’s March 11 instructions to the respondent’s paralegal that McCarroll should contact workers compensation regarding the March 13 hearing conflicted with the February 20 instructions of Judge Jannotta that it was the respondent’s obligation to have the hearing cancelled, or to arrange for the trustee or “someone” to attend each hearing. Additionally, telling Pascarelli that McCarroll should contact the workers compensation office himself regarding the March 13 hearing was not helpful as neither Pascarelli nor the respondent could relay that information to McCarroll. This confusion is compounded by the fact that the Legal Director had informed the respondent that they would cancel all hearings.

On May 6, 2025, Pascarelli emailed Petter in the McCarroll matter advising him that they expected to receive their expert report soon for an evaluation the respondent had arranged for prior to her suspension and she inquired as to whether Petter would report for the May 13 hearing. On June 9, the respondent received the report and rather than communicating directly with defense counsel, she sent it to Pascarelli, who then forwarded it to Petter in a one-line email. On June 13, Pascarelli

emailed Petter, asking whether he had received the report. The respondent was aware that Pascarelli had forwarded a copy of the expert report to Petter. The neutral transmittal of the report to Petter was nothing more than an administrative task. The respondent could not properly discard the report, and her options once again were poor. She could send it to the trustee who no longer had any involvement in the matter, she could send it to the client and disregard the directive not to have client contact, she could reply to the sender with Petter's address and hope that it reached him, or she could do what she did-have her paralegal send the report with a neutral, one-line email. The actions taken here were not unreasonable, and were administrative tasks that did not constitute the practice of law.

On June 26, 2025, with the respondent's knowledge, Pascarelli attended a workers compensation informal hearing in the McCarroll matter which was also attended by Petter. Pascarelli was monitoring the hearing, which was open to the public, to determine whether McCarroll's benefits were going to be terminated. McCarroll did not have an appearance in the file and did not attend. Pascarelli signed a "sign-in sheet" on the line for McCarroll as the law firm was still listed on the sign-in sheet as representing McCarroll. Pascarelli sat at the side of the conference table typically designated for the claimant or his representative. Paralegals may only attend informal hearings on behalf of a claimant if they have an affiliation with an active supervising attorney, which was not the case. Administrative Law Judge Carolyn Colangelo, who was presiding, stopped the proceedings when she realized that Pascarelli was attending and that there was no supervising attorney as the respondent was under suspension. Pascarelli did not speak until Judge Colangelo addressed her, did not participate in the proceedings, did not represent McCarroll and was there to monitor the hearing. The respondent did not intend for Pascarelli to participate in the proceedings or represent McCarroll, and the choice of where to sit and how to sign cannot be attributed to the respondent. While the petitioner has not proven by clear and convincing evidence that the respondent is responsible for the actions of Pascarelli on these facts, the attendance by Pascarelli at the hearing, with the

respondent's knowledge, was ill-advised and misleading to Judge Colangelo, given the fact that there was no supervising attorney. While the respondent exercised poor judgment with respect to Pascarelli's attendance at the hearing, the conduct does not constitute contempt.

After being contacted by an insurance defense expert who was trying to reach McCarroll for an evaluation, Pascarelli emailed Petter on July 29, 2025 and August 4, 2025, indicating that she was unsuccessfully attempting to provide McCarroll's number to the expert. The respondent was aware that Pascarelli was doing so. Attempting to relay McCarroll's phone number to the expert and reporting this to Petter was an administrative task that did not constitute the practice of law, and short of telling Pascarelli to ignore the expert's request for the phone number, was the only reasonable choice the respondent had, given that they could not properly contact McCarroll themselves.

Practice Book § 2-44A (a) sets forth what constitutes the practice of law in Connecticut.⁶ Practice Book § 2-44A (b) sets forth exceptions, activities that are permissible even if performed

⁶ "The practice of law is ministering to the legal needs of another person and applying legal principles and judgment to the circumstances or objectives of that person. This includes, but is not limited to: (1) Holding oneself out in any manner as an attorney, lawyer, counselor, advisor or in any other capacity which directly or indirectly represents that such person is either (a) qualified or capable of performing or (b) is engaged in the business or activity of performing any act constituting the practice of law as herein defined. (2) Giving advice or counsel to persons concerning or with respect to their legal rights or responsibilities or with regard to any matter involving the application of legal principles to rights, duties, obligations or liabilities. (3) Drafting any legal document or agreement involving or affecting the legal rights of a person. (4) Representing any person in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in any administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review. (5) Giving advice or counsel to any person, or representing or purporting to represent the interest of any person, in a transaction in which an interest in property is transferred where the advice or counsel, or the representation or purported representation, involves (a) the preparation, evaluation, or interpretation of documents related to such transaction or to implement such transaction or (b) the evaluation or interpretation of procedures to implement such transaction, where such transaction, documents, or procedures affect the legal rights, obligations, liabilities or interests of such person, and (6) Engaging in any other act which may indicate an occurrence of

“by any person.”⁷ General Statutes § 51-88 (a) addresses the unauthorized practice of law and sets forth activities that cannot be performed by either a layperson, a person who has not been admitted to practice law in Connecticut, or a person who has resigned from the bar, has been disbarred, has been placed on inactive status, or has been suspended.⁸ Permissible activities,

the authorized practice of law in the state of Connecticut as established by case law, statute, ruling or other authority.”

7 “Whether or not it constitutes the practice of law, the following activities by any person are permitted: (1) Selling legal document forms previously approved by a Connecticut lawyer in any format. (2) Acting as a lay representative authorized by administrative agencies or in administrative hearings solely before such agency or hearing where: (A) Such services are confined to representation before such forum or other conduct reasonably ancillary to such representation; and (B) Such conduct is authorized by statute, or the special court, department or agency has adopted a rule expressly permitting and regulating such practice. (3) Serving in a neutral capacity as a mediator, arbitrator, conciliator or facilitator. (4) Participating in labor negotiations, arbitrations, or conciliations arising under collective bargaining rights or agreements. (5) Providing clerical assistance to another to complete a form provided by a court for the protection from abuse, harassment and violence when no fee is charged to do so. (6) Acting as a legislative lobbyist. (7) Serving in a neutral capacity as a clerk or a court employee providing information to the public. (8) Performing activities which are preempted by federal law. (9) Performing statutorily authorized services as a real estate agent or broker licensed by the state of Connecticut. (10) Preparing tax returns and performing any other statutorily authorized services as a certified public accountant, enrolled IRS agent, public accountant, public bookkeeper, or tax preparer. (11) Performing such other activities as the courts of Connecticut have determined do not constitute the unlicensed or unauthorized practice of law. (12) Undertaking self-representation, or practicing law authorized by a limited license to practice.”

8 § 51-88(a) states that a person not admitted as an attorney may not “(1) Practice law or appear as an attorney-at-law for another in any court of record in this state, (2) make it a business to practice law or appear as an attorney-at-law for another in any such court, (3) make it a business to practice law or appear as an attorney-at-law for another in any such court, (3) make it a business to solicit employment for an attorney-at-law, (4) hold himself or herself out to the public as being entitled to practice law, (5) assume to be an attorney-at-law, (6) assume, use or advertise the title of lawyer, attorney and counselor-at-law, attorney-at-law, counselor-at-law, attorney, counselor, attorney and counselor, or an equivalent term, in such manner as to convey the impression that he or she is a legal practitioner of law, (7) advertise that he or she, either alone or with others, owns, conducts or maintains a law office, or office or place of business of any kind for the practice of law, or (8) otherwise engage in the practice of law as defined by statute or rule of the Superior Court.”

which are exceptions to subsection (a), are set forth in § 51-88 (d).⁹ Conn.Gen.Stat. §51-88 limits the practice of law in Connecticut to licensed attorneys and prohibits individuals who are not licensed to practice here from appearing as an attorney for another in any court of record in this state.

Rule 5.5 (b) of the Rules of Professional Conduct sets forth activities which are prohibited by attorneys who are not admitted to practice law in Connecticut.¹⁰

⁹ § 51-88(d) allows the following conduct by a person not admitted as an attorney “(1) A town clerk from preparing or drawing deeds, mortgages, releases, certificates of change of name and trade name certificates which are to be recorded or filed in the town clerk’s office in the town in which the town clerk holds office; (2) any person from practicing law or pleading at the bar of any court of this state in his or her own cause; (3) any person from acting as an agent or representative for a party in an international arbitration, as defined in subsection (3) of section 50a-101; or (4) any attorney admitted to practice law in any other state or the District of Columbia from practicing law in relation to an impeachment proceeding pursuant to Article Ninth of the Connecticut Constitution, including an impeachment inquiry or investigation, if the attorney is retained by (A) the General Assembly, the House of Representatives, the Senate, a committee of the House of Representatives or the Senate, or the presiding officer at a Senate trial, or (B) an officer subject to impeachment pursuant to said Article Ninth.”

¹⁰ Rule 5.5(b) provides as follows: “ A lawyer who is not admitted to practice in this jurisdiction, shall not: (1) except as authorized by law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. (c) A lawyer admitted in another United States jurisdiction which accords similar privileges to Connecticut lawyers in its jurisdiction, and provided that the lawyer is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction, that: (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential mediation or other alternative dispute resolution proceeding in this or another jurisdiction, with respect to a matter that is substantially related to, or arises in, a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or (4) are not within subdivisions (c) (2) or (c) (3) and arise out of or are substantially related to the legal services provided to an existing client of the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. (d) A lawyer admitted in another United States jurisdiction, who is in good standing in each jurisdiction in which he or she has been admitted, or who has

“Attempts to define the practice of law have not been particularly successful. The reason for this is the broad field covered. The more practical approach is to consider each state of facts and determine whether it falls within the fair intendment of the term.” *Robertson v. Stonington*, 253 Conn. 255, 262, 750 A.2d 460 (2000). There are, however, some examples in case law. Typically, these cases set forth activities that are prohibited when performed by either a layperson, an attorney not admitted to practice in Connecticut, or a suspended, disbarred, or retired attorney, as these activities constitute the practice of law.

“[T]his court has consistently held that the preparation of legal documents is commonly understood to be the practice of law.” *Statewide Grievance Committee v. Patton*, 239 Conn. 251, 254, 683 A.2d 1359 (1996). For example, providing legal advice and drafting legal documents while under suspension from the practice of law constitutes the practice of law and is therefore prohibited. “The respondent has acknowledged that she had not been reinstated by the court at any time prior to the presentment hearing. She also acknowledged that, while under suspension, she did work for Williams relative to her appeal in the Appellate Court, including, but not limited to, the review of notes and documents, legal research, drafting pleadings, and providing legal advice. . . . The court finds that the petitioner has established by clear and convincing evidence that the respondent has violated rule 5.5 of the Rules of Professional Conduct by engaging in the unauthorized practice of law as defined in Practice Book § 2-44A.” *Office of Chief Disciplinary Counsel v. Miller*, 335 Conn. 474, 507, 239 A.3d 288 (2020).

taken retirement status or otherwise left the active practice of law while in good standing in another jurisdiction, may participate in the provision of uncompensated pro bono publico legal services in Connecticut where such services are offered under the supervision of an organized legal aid society or state or local bar association project.”

The preparation of wills and trusts, which requires the use of legal judgment to tailor the documents to the needs of each client, constitutes the practice of law. As such, when performed by a layperson, this constitutes the unauthorized practice of law. “Thus, [the defendant] has done much more than merely to make available to his customers the trust form and the will form printed in the booklet. Not only was the trial court not in error in concluding that [the defendant’s] acts in connection with the trusts and wills constituted the practice of law, but any other conclusion would have been wholly unreasonable.” *Grievance Committee v. Dacey*, 154 Conn. 129, 142, 222 A.2d 339 (1966), appeal dismissed, 386 U.S. 683, 87 S. Ct. 1325, 18 L. Ed. 2d 404 (1967).

Providing debt negotiation services constitutes the practice of law if performed by an attorney. “[T]he fact that laypeople legally may perform debt negotiation services does not mean that such services do not constitute the practice of law when engaged in by a Connecticut attorney in the context of an attorney-client relationship.” *Persels & Associates, LLC v. Banking Commissioner*, 318 Conn. 652, 678; 122 A.3d 592 (2015).

The petitioner, in its post-hearing brief, takes the position that the respondent is in contempt of the court’s suspension order by engaging in the unauthorized practice of law, and that the sanction of a five year disbarment should enter. The respondent, in her post-hearing brief, posits that the respondent did not willfully engage in the practice of law, and argues that to the extent the court disagrees, the sanction should be remedial in nature and no greater than necessary to coerce compliance and on these facts, a reasonable fine.

The petitioner has the burden of establishing contempt by clear and convincing evidence. In a civil contempt proceeding, the movant has the burden of showing that the underlying order was clear and unambiguous. See e.g. *Bruno v Bruno*, 177 Conn.

App.599,620(2017). Additionally, the conduct must be willful, rather than merely negligent, or due to a misunderstanding or good faith dispute. Id., see also Planning and Zoning Commission v Town of Lisbon, 15 Conn. App.550,560(1988). “Willful conduct has also been defined as intentional conduct that is deemed highly unreasonable or indicative of bad faith.” Cathedral Green,Inc. v. Hughes, 174 Conn. App. 622-623(2017). Here, the petitioner has met its burden as it relates to the filing of the Form 36 objection. The underlying suspension order was clear and unambiguous, and the respondent’s conduct with regard to the filing of the Form 36 objection was willful and not merely the exercise of poor judgment.

For these reasons, the court finds by clear and convincing evidence that the respondent engaged in the unauthorized practice of law by having her paralegal file the objection, conduct that involved legal judgment and ministered to the legal needs of McCarroll. The respondent admits in hindsight that she should not have filed it. And while her purpose in filing it was to prevent the termination of McCarroll’s benefits, these good intentions do not negate her willful conduct and the fact that she engaged in the unauthorized practice of law.

The court notes that the respondent testified at the hearing regarding her conduct, and has attended all of the approximately nine status conferences or hearings over the sixteen months the presentment has been pending. Additionally, pursuant to the trustee’s directive, the respondent’s paralegal has responsibly monitored the files and advised him of deadlines, new dates, and information regarding important developments, and both the respondent and her paralegal followed his directions regarding client contact.

Having found that the respondent violated Rule 2-47B(h) and Rule 8.4(4) of the Rules of Professional Conduct as it relates to the filing of the Form 36 objection, the court will address sanctions for the finding of contempt at the time of the final decision on the underlying presentment.

BELLIS,J.

421277