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Volunteer Attorney Says Parties Have Same Legal Issues As Businesses

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As the new general counsel for the Connecticut Republican Party, Michael Goldfarb sees the volunteer position as something beyond politics. Even though he supports the GOP in the state and is chairman of the Connecticut Young Republicans, the Murtha Cullina trial lawyer said his assignment is simply to advise his client on matters of law. In that way, he said, being the GC for the GOP is very much like being an in-house lawyer for a corporation.

"My business litigation experience translates into this job in many ways, since political parties operate like businesses," Goldfarb said. "There are contracts, employment issues and laws regarding organizational governance, just like in any business."

Goldfarb said the many legal issues that come up for a lawyer representing any political party combine a mix of business transactions and advocacy. "A lot of what you do is make sure everyone involved in campaigns knows what the law is," he said.

Those legal challenges are expected to be even more lively in the next election cycle, especially with the chance for a 2014 rematch of the 2010 governor's race between Republican challenger Tom Foley and Democratic Governor Dannel Malloy.

According to the latest polls from Quinnipiac University, Foley leads the potential Republican primary field with the support of 36 percent of the voters, followed by state Senate Minority Leader John McKinney at 11 percent. Danbury Mayor Mark Boughton is third with 8 percent among registered Republicans.

At a recent Republican National Committee meeting, Chairman Reince Priebus stressed a desire for the GOP to regain "the foothold in New England that they by and large lost in recent years." Adding to the underlying pressure of helping his client, the party as a whole, gain that foothold, Goldfarb said the campaign finance laws were recently changed to allow statewide parties to contribute more money to individual candidates. As a result, Goldfarb said he expects there will be more legal challenges and questions about financing in specific campaigns.

"Some of those questions will be simple, and some will be more complicated, such as looking at the certain types of limits that are imposed on campaign contributions," he said. "For instance, lobbyists have limits and are barred from certain contributions. I'll be working to make sure all contributions that our members collect are appropriately accounted for."

Across the aisle from Goldfarb is Jonathan A. Harris, who is the executive director of the Connecticut Democratic Party and its general counsel. In the capacity of GC, Harris said his primary role is to "answer questions on election law, voter protection issues and rules of order for committee meetings."

Goldfarb started his business litigation practice after he graduated from law school at St. John's University in New York. He spent three years in California working for a large firm and then moved back East to take a clerkship with Justice Peter T. Zarella of the Connecticut Supreme Court.

Joining Murtha Cullina in 2010, Goldfarb immersed himself involved in many volunteer and pro bono efforts. Since 2011, Goldfarb has been volunteering his time working with the Connecticut Veterans Legal Center, assisting veterans with landlord tenant legal issues and criminal defense. Goldfarb is also an elected member of the Connecticut Bar Association's House of Delegates, which is the policy-making body of the CBA.

Along the way, he has also been involved in state politics. He has worked as a political correspondent on Fox CT News for the past three years, talking on camera about Connecticut political campaigns. "It was through those appearances that led to getting this appointment," he said.

He has also worked on high-profile election law cases. When he was a brand new lawyer at Murtha, the firm represented the Connecticut Democratic Party, on behalf of Attorney General George Jepsen. Martha Dean, who was Jepsen's Republican opponent in the 2010 race, filed a lawsuit to try to knock Jepsen from the ballot.

The lawsuit that was filed against Jepsen and then-Secretary of the State Susan Bysiewicz, as the state's top election official, asked for a court to rule whether Jepsen's relative lack of litigation experience should bar him from becoming attorney general.

The lawsuit appeared to be a replay of the Republican Party's successful effort earlier in 2010 to drive Bysiewicz from the attorney general's race. In that challenge, the state Republican party convinced the state Supreme Court that while Bysiewicz was a lawyer, she had not actively practiced for 10 years.

In defending against the lawsuit that challenged Jepsen's candidacy, Goldfarb recalled working in a supporting role, researching the election laws and preparing some of the briefs. "It was a fire drill because the case was decided on November 3, 2010, within days of the election," Goldfarb said. "We won a motion to dismiss for lack of standing."

It's not unusual for the statewide parties to hire outside law firms to handle litigation matters. Making those sorts of decisions will be among Goldfarb's new responsibilities.

His predecessor, Justin Clark, of the small Glastonbury firm of Davis & Clark, served as the volunteer GOP general counsel from 2011 to 2012. When a lawsuit was filed last year over the order of candidates' names on the ballot, the Connecticut Republican Party hired the Rome McGuigan law firm. The question was whether Democratic or Republican candidates would be listed on the top line on the November ballot. Democrats cited Malloy's victory in arguing for their candidates. But the Republicans noted that Malloy had been cross-endorsed by a minor party and his tally on the Democratic ballot line was less than the vote total for the Republican candidate. The Supreme Court backed the GOP and said Republican candidates should be listed first.

"In that case, we thought it was best to go with an outside firm, because they could give the matter the attention it needed," said Clark. He agreed that it is a necessity for the general counsel for a statewide party to stay up to date on all changes to campaign finance and election laws. "When your client asks a question, you want to be able to be of use," he said.

Partners at Murtha Cullina see the appointment of Goldfarb to the GC spot as a boon to their own business. Elizabeth J. Stewart, the managing partner of the firm, said the selection of Goldfarb is a great example for other attorneys in providing community involvement. "Serving as general counsel will afford Michael a great platform from which to grow his civil litigation and election law practices, while providing added value to our client base," she said. •

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