



Raising the Bar: A Bench-Bar Symposium on Professionalism

November 8, 2019

8:30 a.m. – 2:00 p.m.

Bridgeport Superior Court

Bridgeport, CT

CT Bar Institute, Inc.

CT: 3.0 CLE Credits (Ethics)

NY: 1.5 CLE Credits (Ethics)

No representation or warranty is made as to the accuracy of these materials. Readers should check primary sources where appropriate and use the traditional legal research techniques to make sure that the information has not been affected or changed by recent developments.

Lawyers' Principles of Professionalism

As a lawyer I must strive to make our system of justice work fairly and efficiently. In order to carry out that responsibility, not only will I comply with the letter and spirit of the disciplinary standards applicable to all lawyers, but I will also conduct myself in accordance with the following Principles of Professionalism when dealing with my client, opposing parties, their counsel, the courts and the general public.

Civility and courtesy are the hallmarks of professionalism and should not be equated with weakness;

I will endeavor to be courteous and civil, both in oral and in written communications;

I will not knowingly make statements of fact or of law that are untrue;

I will agree to reasonable requests for extensions of time or for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;

I will refrain from causing unreasonable delays;

I will endeavor to consult with opposing counsel before scheduling depositions and meetings and before rescheduling hearings, and I will cooperate with opposing counsel when scheduling changes are requested;

When scheduled hearings or depositions have to be canceled, I will notify opposing counsel, and if appropriate, the court (or other tribunal) as early as possible;

Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the court (or other tribunal) and opposing counsel of any likely problem in that regard;

I will refrain from utilizing litigation or any other course of conduct to harass the opposing party;

I will refrain from engaging in excessive and abusive discovery, and I will comply with all reasonable discovery requests;

In depositions and other proceedings, and in negotiations, I will conduct myself with dignity, avoid making groundless objections and refrain from engaging in acts of rudeness or disrespect;

I will not serve motions and pleadings on the other party or counsel at such time or in such manner as will unfairly limit the other party's opportunity to respond;

In business transactions I will not quarrel over matters of form or style, but will concentrate on matters of substance and content;

I will be a vigorous and zealous advocate on behalf of my client, while recognizing, as an officer of the court, that excessive zeal may be detrimental to my client's interests as well as to the proper functioning of our system of justice;

While I must consider my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation;

Where consistent with my client's interests, I will communicate with opposing counsel in an effort to avoid litigation and to resolve litigation that has actually commenced;

I will withdraw voluntarily claims or defense when it becomes apparent that they do not have merit or are superfluous;

I will not file frivolous motions;

I will make every effort to agree with other counsel, as early as possible, on a voluntary exchange of information and on a plan for discovery;

I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;

In civil matters, I will stipulate to facts as to which there is no genuine dispute;

I will endeavor to be punctual in attending court hearings, conferences, meetings and depositions;

I will at all times be candid with the court and its personnel;

I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;

I will endeavor to keep myself current in the areas in which I practice and when necessary, will associate with, or refer my client to, counsel knowledgeable in another field of practice;

I will be mindful of the fact that, as a member of a self-regulating profession, it is incumbent on me to report violations by fellow lawyers as required by the Rules of Professional Conduct;

I will be mindful of the need to protect the image of the legal profession in the eyes of the public and will be so guided when considering methods and content of advertising;

I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance;

I will endeavor to ensure that all persons, regardless of race, age, gender, disability, national origin, religion, sexual orientation, color, or creed receive fair and equal treatment under the law, and will always conduct myself in such a way as to promote equality and justice for all.

It is understood that nothing in these Principles shall be deemed to supersede, supplement or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which lawyer conduct might be judged or become a basis for the imposition of civil liability of any kind.

--Adopted by the Connecticut Bar Association House of Delegates on June 6, 1994

Raising the Bar: A Bench-Bar Symposium on Professionalism

Presented by the Connecticut Bar Association in collaboration
with the Greater Bridgeport Bar Association and the State of Connecticut Judicial Branch



8:30 a.m. - **Registration and Breakfast**
9:00 a.m. *Jury Assembly Room 7th Floor*

9:00 a.m. - **Welcome Remarks**
9:30 a.m. *Jury Assembly Room 7th Floor*

Hon. Joan Alexander, Administrative Judge, Bridgeport
Matthew C. Reale, President, Greater Bridgeport Bar Association
Ndidi N. Moses, President, Connecticut Bar Association
Hon. Patrick L. Carroll, Chief Court Administrator, State of Connecticut

9:30 a.m. - **Plenary Session | Staying Out of Trouble; We Know a Thing or Two Because**
11:00 a.m. **We've Seen a Thing or Two**
Jury Assembly Room 7th Floor

Thoughts on lawyer professionalism from two former chief disciplinary counsel with over 30 years of combined experience on both sides of disciplinary enforcement.

Speakers **Mark Dubois**, Geraghty & Bonnano, LLC, New London
Patricia King, Geraghty & Bonnano, LLC, New London

11:00 a.m. - **Break**
11:15 a.m.

11:15 a.m. - **Breakout Sessions**
12:45 p.m. Discussion will focus on how the bench and the bar can work together to elevate the level of professionalism in our practice, including:

- How to maintain professionalism and civility when dealing with inexperienced practitioners and self-represented parties both in and out of court.
- How to professionally deal with unreasonable clients, especially when they are demanding unprofessional behavior.
- How modern technology is affecting our ability to practice in a professional manner.
- What do you do when your opponent is an impaired lawyer (as a result of drug or alcohol addiction or cognitive loss)?
- How do we make all lawyers aware of their professional obligation to provide pro bono services?

Civil Breakout Session

Jury Assembly Room 7th Floor

Moderator **Hon. Barry K. Stevens**, Superior Court, Bridgeport

Speakers **Frank Bailey**, Tremont Sheldon Robinson Mahoney PC, Bridgeport
Joanna Ramirez Haddad, Law Office of Joanna Ramirez Haddad LLC, Bridgeport
Etan Hirsch, Adelman Hirsch & Connors, Bridgeport

Criminal Breakout Session

Courtroom 6A 6th Floor

Moderator **Hon. Joan Alexander**, Superior Court, Bridgeport

Speakers **Joseph G. Bruckmann**, Chief Public Defender, Bridgeport
John R. “Rob” Gulash, Gulash & Associates, Bridgeport
John Smriga, States Attorney, Bridgeport

Estates and Probate Breakout Session

Courtroom 6B 6th Floor

Moderator **Hon. T.R. Rowe**, Probate Court, Trumbull

Speakers **David B. Bussolotta**, Pullman & Comley LLC, Bridgeport
Anthony Monelli, Cretella Fappiano & Monelli PC, Trumbull
Matthew C. Reale, Anthony & Reale, Shelton

Family Law Breakout Session

Courtroom 6C 6th Floor

Moderator **Hon. Jane Grossman**, Superior Court, Bridgeport

Speakers **Carmina Hirsch**, Hirsch Legal LLC, Shelton
Tyler Raymond, Raymond Family Law LLC, Bridgeport
Sheryl A. Shaughnessey, Law Office of Sheryl A. Shaughnessey, Fairfield

Real Property Breakout Session

Courtroom 6D 6th Floor

Moderator **Hon. Walter Spader Jr.**, Superior Court, Bridgeport

Speakers **John C. Drapp III**, Drapp & Jaumann, Bridgeport
Venoal M. Fountain Jr., Hirsch Levy & Fountain LLC, Fairfield
Michael Rosten, Cohen and Wolf PC, Bridgeport

12:45 p.m. - **Lunch**

1:15 p.m. *Jury Assembly Room 7th Floor*

1:15 p.m. - **Keynote Address | Good Lawyering Does Not Have to be Sacrificed at the Altar of Civility**

2:00 p.m. *Jury Assembly Room 7th Floor*

Speaker **Hon. Joette Katz (Ret.)**, Shipman & Goodwin LLP, Hartford

2:00 p.m. **Adjourn**

Program Co-chairs:

Hon. Omar Williams, Professionalism Committee Co-chair, Connecticut Bar Association; Hartford Judicial District Superior Court, Hartford
Etan Hirsch, Adelman Hirsch & Connors LLP, Bridgeport

Matthew C. Reale, President, Bridgeport Bar Association; Anthony & Reale, Shelton

James T. Shearin, Professionalism Committee Co-chair, Connecticut Bar Association; Pullman & Comley LLC, Bridgeport

With substantial contribution from former Professionalism Committee Co-chairs:

Hon. Kenneth L. Shluger, New London Judicial District Superior Court, Norwich

Timothy A. Diemand, Wiggin and Dana LLP, Hartford

Faculty Biographies

Hon. Joette Katz (Ret.), Shipman & Goodwin LLP, Hartford

Joette Katz is a partner in Shipman and Goodwin's Business Litigation Practice Group. Her distinguished legal career and service to the State of Connecticut provide her with considerable knowledge and experience that make her a valuable resource to clients and attorneys throughout the firm.

Joette focuses her practice on appellate work, mediation and investigations. She consults with firm attorneys on strategies and briefs for complex appeals, and assists them in identifying issues and arguments that are likely to prevail in court. Joette also serves as a mediator to resolve a wide range of conflicts for clients that do not require litigation. In addition, using skills from her government experience, Joette advises clients across a variety of industries on handling government, white-collar criminal and internal investigations.

During her 18 years as an Associate Justice on the Connecticut Supreme Court, Joette heard approximately 2,500 cases and authored more than 500 opinions. In addition, she served as an Administrative Judge for the State of Connecticut Appellate System and as a Judge for the Connecticut Superior Court. While serving as the Chief of Legal Services for the State of Connecticut Division of Public Defender Services, she co-authored *Connecticut Criminal Caselaw Handbook: A Practitioner's Guide* (published by The Connecticut Law Tribune).

Prior to joining the firm, Joette served as Commissioner of the Connecticut State Department of Children and Families for eight years, where she was responsible for children in the department's custody and under its guardianship. In addition, she oversaw the department's services for children and families throughout the state in need of assistance.

Joette has been a frequent speaker, both nationally and throughout Connecticut, on a wide range of topics, including appellate advocacy, professional responsibility, and child welfare. She has taught at all three of the state's law schools and is an Associate Fellow of Trumbull College at Yale University

Hon. Patrick L. Carroll, Chief Court Administrator's Office, Hartford

A native of Fairfield, Connecticut, **Judge Carroll** practiced law in his hometown for seventeen years prior to his appointment as a Judge of the Superior Court in 1996.

Since his appointment, Judge Carroll has served in Norwalk, Danbury, Waterbury, Milford, Derby and Bridgeport handling civil, family, housing and criminal matters. He served for five years as the Administrative Judge for the Judicial District of Danbury and his most recent assignment on the bench was as the Presiding Judge for Criminal matters in the Bridgeport G.A.

Chief Justice Chase Rogers appointed Judge Carroll as the Deputy Chief Court Administrator on September 1, 2007. Judge Carroll serves on the Chief Justice's Public Service and Trust Commission and he chairs the Branch's Criminal Commission. He also serves as co-chair of the Criminal Justice Information Sharing Governing Board and co-chair of the Victim Services Advisory Board. Judge Carroll is a member of the Criminal Justice Planning Advisory Committee and the Permanent Sentencing Commission. In addition to his other duties, the Chief Justice has charged Judge Carroll with the management and supervision of all matters relating to Judicial Marshal Services.

Hon. Joan Alexander, Connecticut Superior Court, Bridgeport

Judge Alexander is currently serving as the Administrative Judge for the Fairfield Judicial District and is the presiding judge for criminal matters in the district. In September of 2017, Judge Alexander was appointed Chief Administrative Judge for criminal matters in Connecticut. She is the Chair of the Sentence Review Division and also is a member of the Superior Court Rules Committee. Judge Alexander served as a state prosecutor in the Division of Criminal Justice from 1988 until her appointment to the bench in 2000. She received a bachelor of science degree in Mechanical Engineering from Yale University in 1984 and a juris doctor degree from the University of Connecticut School of Law in 1987.

Hon. Jane Grossman, Connecticut Superior Court, Bridgeport

Judge Kupson Grossman is a Superior Court Judge, currently assigned to the Judicial District of Fairfield at Bridgeport serving as the Presiding Judge of the Family Docket. She is an adjunct faculty member at the Quinnipiac School of Law teaching Trial Practice and Domestic Violence Law, a Connecticut Bar Foundation James W. Cooper Fellow, a longstanding member of the New Haven Inns of Court, and a Yale Saybrook College Fellow.

Prior to becoming a judge she was a Family Support Magistrate and prior to that, a Staff Attorney for ten years at New Haven Legal Assistance. She began her legal career as an associate with Engelman & Welch-Rubin. She earned her BA from Quinnipiac in 1990 and her JD from Quinnipiac in 1998.

Hon. Walter Spader, Jr., Connecticut Superior Court, Bridgeport

Judge Walter M. Spader, Jr. is currently assigned to hear housing matters in both the Bridgeport and Norwalk court houses and is assigned to the property/foreclosure docket for the Judicial District of Fairfield at Bridgeport. His prior assignments include the New Haven property docket, the New Haven and Waterbury housing dockets and the criminal dockets for Geographical Area 23 at New Haven. He received his law degree from Quinnipiac University School of Law and his MBA and undergraduate degree from Fairfield University.

Prior to serving on the bench he was admitted to practice law in Connecticut, New York, New Jersey, Massachusetts and Rhode Island and well as the United States District Courts in Connecticut.

Hon. Barry K. Stevens, Connecticut Superior Court, Bridgeport

The **Honorable Barry K. Stevens** is a Superior Court Judge for the State of Connecticut, being appointed to the bench by Governor Lowell Weicker in 1994. He presently serves as Presiding Judge for the Civil Division in Bridgeport Superior Court. Judge Stevens graduated from Harvard College in 1975 with a Magna Cum Laude degree in Psychology and Social Relations. He graduated from the New York University School of Law in 1978.

Judge Stevens practiced law for sixteen years before becoming a judge, working as an Assistant United States Attorney for the District of Connecticut and at the law firms of Trager & Trager in Fairfield, Harlow, Adams & Friedman in Milford, and Robinson & Cole in Hartford. His area of concentration was civil litigation in areas such as personal injury, medical malpractice, foreclosures, and government contracts.

Hon. T. R. Rowe, Probate Court, Trumbull

T.R. Rowe was elected on November 6, 2012 as the Judge for the Trumbull Probate District, which includes the towns of Trumbull, Easton, and Monroe. He was raised in Trumbull and attended Trumbull High School. He graduated cum laude with a B.A. from The Catholic University of America in 1992, majoring in Politics and minoring in Philosophy. He was also Captain of the tennis team. In 1995 he received his Juris Doctor from the Quinnipiac University School of Law. At Quinnipiac he was Chief Editor of the Moot Court Honor Society and a member of Phi Delta Phi, an international legal honor society.

Judge Rowe served for 14 years in the Connecticut General Assembly as a State Representative from the Town of Trumbull, from 1999 to 2013. During that time he was also a member of the Judiciary Committee. He is currently a member of the CT Bar Association, the Greater Bridgeport Bar Association, a member of the CT Probate Assembly's Executive Committee and Co-Chair of the Legislative Committee. He serves as an Honorary Member of The Caroline House, an organization which provides literacy skills to underprivileged women and young mothers. He is on the Legislative Committee of the Kennedy Center, and is Vice-president of the Kashulon Foundation, a philanthropic organization which provides grants to support the poor and needy throughout Fairfield County, with an emphasis in Bridgeport. He is a Trustee of Saints Cyril & Methodius Parish in Bridgeport. In 2010 he was awarded the Exemplary Legislative Leadership & Service Award from the Connecticut Chapter of the National Elder Law Attorneys, and in 2006 he was named the State Police Chief's Legislator of the Year.

Judge Rowe resides in Trumbull with his wife Michelle & 4 children, Joseph, James, Gemma, and Johnny. He practices law on a part-time basis at the firm of McNamara & Kenney in Bridgeport.

Frank Bailey, Tremont Sheldon Robinson Mahoney PC, Bridgeport

Frank A. Bailey received his B.A. from Cornell University and his J.D. from the University of Connecticut School of Law. Mr. Bailey is a partner in the law firm of Tremont Sheldon Robinson Mahoney PC in Bridgeport, Connecticut. Over his career, he has been involved in all types of personal injury and workers compensation cases including auto collision claims, legal malpractice, medical malpractice and wrongful death cases. He is active in the Connecticut Trial Lawyers Association and is president-elect of the Greater Bridgeport Bar Association.

He has been listed in The Best Lawyers In America® and New England Super Lawyers in the fields of personal injury litigation and Worker's Compensation. He is also rated by Martindale-Hubbell as "AV Preeminent," the highest peer rating of legal ability and ethical standards.

Joseph G. Bruckmann, Chief Public Defender, Bridgeport

Joseph G. Bruckmann has been the Public Defender for the Fairfield Judicial District since 1999. Prior to that appointment, he was the Public Defender for the Stamford/Norwalk Judicial District for seven years. He is an honors graduate of Fairfield University and a graduate of the University of Connecticut School of Law.

In addition to co-authoring *Connecticut Criminal Caselaw Handbook: A Practitioner's Guide*, Joe was a member of the Connecticut Code of Evidence Drafting Committee, the Practice Book Criminal Rules Revision Committee and the Connecticut Juvenile Training School Advisory Board. He is presently a member of the Connecticut Code of Evidence Oversight Committee. In 2018 he became the first recipient of *The Annual Thomas J. Ullmann, Esq. Public Defender Memorial Award*.

David B. Bussolotta, Pullman & Comley LLC, Bridgeport

David B. Bussolotta is a member of the Trusts and Estates practice at Pullman & Comley. He serves clients throughout Greater Fairfield and New Haven Counties in the areas of estate planning, wills, trusts, probate and trust administration, probate and trust litigation, and eldercare needs. David sets out to provide superior legal services for each client through thoughtful consideration of each client's matter and by earnest advocacy. David's practice areas, include but are not limited to, drawing client estate plans by way of preparation of wills, trusts, and business succession plans.

David's breadth of knowledge and experience in, estate and tax planning, corporate law, probate/trust administration, probate litigation, charitable organizations, commercial and residential real estate transactions, and wrongful death actions all serve to advance client goals in each client matter. David's representative experience consists of handling estate planning for a number of small to medium size business owners and business executives, college administrators, faculty, and athletic coaches, retirees, and parents of disabled children.

Before joining Pullman & Comley, David was in private practice in Fairfield, Connecticut, where in addition to trusts and estates matters, he also handled business succession planning; contract law; business start-ups; mergers, acquisitions and sales; and commercial and residential real estate.

John C. Drapp III, Drapp & Jaumann LLC, Bridgeport

Attorney **John C. Drapp III** has been involved in real estate for twenty years. Attorney Drapp was initially involved in the brokerage side of real estate as a salesperson and later a broker. Although no longer active in brokerage community, Attorney Drapp has maintained his license and frequently draws upon that experience and knowledge in advising clients in residential and commercial transactions. For many years, Attorney Drapp also taught Real Estate Principles & Practices, the 60-hour course that must be completed in order to sit for the Connecticut real estate licensure examination.

Mark A. Dubois, Geraghty & Bonnano LLC, New London

Mark Dubois has practiced law for over 40 years. He is an assistant clinical professor of law at the University of Connecticut School of Law. He is also of-counsel with the New London firm of Geraghty & Bonnano. He was Connecticut's first Chief Disciplinary Counsel from 2003 until 2011. In that position he established an office that investigated and prosecuted attorney misconduct and the unauthorized practice of law. He is co-author of Connecticut Legal Ethics and Malpractice, the only book devoted to the topic of attorney ethics in Connecticut. He is a contributor to the Connecticut Law Tribune where he wrote the Ethics Matters column for over 7 years. He writes and lectures on matters related to lawyer ethics with a recent focus on senior attorneys.

Attorney Dubois has represented many individuals accused of ethical misconduct and malpractice. He has also served as an expert witness on matters of privilege, ethics and malpractice. He teaches lawyering skills at UConn Law School and has taught legal ethics there and at Quinnipiac University School of Law where he was Distinguished Practitioner in Residence in 2011. He has lectured in Connecticut and nationally on attorney ethics and has given or participated in over 100 presentations and symposia on attorney ethics and malpractice.

Attorney Dubois was board certified in civil trial advocacy by the National Board of Legal Specialty Certification for over 20 years. He is former president of the Connecticut Bar Association. In addition to being a member of the Bar Association, he is a member of the Professional Discipline, LGBT and Unauthorized Practice groups. He is a member of the New Britain, New London, and American Bar Associations, the

American Board of Trial Advocates and the Association of Professional Responsibility Lawyers. He is the 2019 recipient of the Connecticut Bar Association's Edward Hennessey award for career professionalism, the Quintin Johnstone Service to the Profession Award in 2012 and the American Board of Trial Advocacy, Connecticut Chapter, annual award in 2007.

Venoal M. Fountain, Jr., Hirsch Levy & Fountain LLC, Fairfield

Venoal M. Fountain, Jr. is a partner with the law firm of Hirsch, Levy & Fountain, LLC. Attorney Fountain graduated from Sacred Heart University with a degree in Business Administration and an Associate's Degree in Paralegal Studies. Attorney Fountain earned a J.D. from the University of Massachusetts School of Law – Dartmouth.

Pursuant to Sections 47a-71a, and 47a-72 of the Connecticut General Statutes, Governor Dannel P. Malloy appointed Attorney Fountain as a member of the CACHM, Connecticut Advisory Council on Housing Matters. www.ct.gov/cachm. Attorney Fountain is a member of the Board of Directors for both the Waterbury Bar and Greater Bridgeport Bar Associations. Additionally, Attorney Fountain serves as Co-Chair of the Young Lawyers Committee of the Greater Bridgeport Bar Association.

John R. Gulash, Gulash & Associates, Bridgeport

Attorney **John Robert Gulash**, founding partner of Gulash & Associates joined the Office of the Public Defender in 1976, until entering private practice in 1981. He has focused primarily in the area of criminal defense and has tried over two hundred full jury trials and handled dozens of appeals in both state and federal courts. Attorney Gulash has handled civil rights actions for both plaintiffs and defendants, wrongful death actions, and other civil matters. Attorney Gulash is a Fellow of the American College of Trial Lawyers and current and former member of a number of committees devoted to improving the rules and functioning of Connecticut courts, including the Judicial Performance Evaluation Program Advisory Panel, the Superior Court Criminal Division Task Force, the Fair and Impartial Courts Committee, and the Code of Evidence Oversight Committee of the Supreme Court.

Joanna Ramirez Haddad, Law Office of Joanna Ramirez Haddad LLC, Bridgeport

Joanna Ramirez Haddad has a BA in English from the Pontifical Catholic University of Puerto Rico. She completed her Juris Doctor at Facultad de Derecho Eugenio Maria de Hostos, and then went on to obtain her Masters of Law in Insurance from the University of Connecticut School of Law. She has been admitted to the Connecticut Bar Association since 2002. Joanna is the principal attorney at the Law Office of Joanna Ramirez Haddad, LLC located in Bridgeport. She specializes in family law, workers' compensation, personal injury and probate matters.

Etan Hirsch, Adelman Hirsch & Connors LLP, Bridgeport

Attorney **Etan Hirsch** is a partner with the law firm of Adelman Hirsch & Connors, LLP. He has been practicing exclusively personal injury law on behalf of injured people and their families for his entire career. He obtained his bachelor's degree from The George Washington University in 2003 and his law degree from

Suffolk University School of Law in 2008. While in law school, he interned for Magistrate Judge Joyce London Alexander in the United States District Court for the District of Massachusetts.

Attorney Hirsch is a member of the American Association of Justice, the Connecticut Bar Association, and the Connecticut Trial Lawyers Association. He is an officer and board member of the Greater Bridgeport Bar Association and co-chair of its Litigation Committee. Attorney Hirsch regularly instructs his peers on litigation matters at local and statewide seminars.

Carmina K. Hirsch, Hirsch Legal LLC, Shelton

Attorney **Carmina Hirsch** is a family law attorney and mediator at Hirsch Legal, LLC in Shelton CT. Attorney Hirsch is a Connecticut Bar Foundation James W. Cooper Fellow, serves on the Connecticut Bar Association (CBA) Presidential Fellows Task Force, and as Chair for the CBA's Court Visitation Program at the Stamford/Norwalk J.D. She also serves as Special Master in the Fairfield J.D. and Ansonia/Milford J.D., as an adjunct professor at Quinnipiac University School of Law, and has served as mock trial judge for grade school and law school mock trial competitions. Attorney Hirsch has been named a Super Lawyers Rising Star for five consecutive years.

Attorney Hirsch has served as Chair and on Executive Committees for several CBA Sections, and regional bar association committees, and continues to develop curriculum for CLE and seminars. Attorney Hirsch's article "Divorce Mediation: Mediating Financial Disputes" was published in Connecticut Lawyer Magazine, and she is a featured author in *A Practical Guide to Divorce in Connecticut* (1st Ed. published 2014; 2nd Ed. published 2018). Attorney Hirsch holds a Juris Doctorate from Albany Law School and Bachelor's of Science degree from The Sage Colleges. She is licensed to practice law in Connecticut.

Patricia King, Geraghty & Bonnano LLC, New London

Patricia King graduated from the University of Massachusetts in 1973 and the University of Connecticut Schools of Law and Social Work in 1982. Since 1983, she has worked as a Juvenile Court Advocate, an Assistant State's Attorney in the Judicial District of Waterbury, an Assistant Corporation Counsel for the City of New Haven. She worked in two New Haven firms as a private practitioner for approximately seven years, handling primarily civil matters, including the Colonial Realty litigation, then as a partner in Moscovitz & King, LLC, focusing on criminal defense. She was one of the three attorneys initially hired to staff the Office of the Chief Disciplinary Counsel at its inception in 2004. She was Chief Disciplinary Counsel between July 2012 and February 2015. After retiring from the Office of the Chief Disciplinary Counsel's Office, she joined Geraghty & Bonnano.

Pat has been active in her home in New Haven, having served for 9 years on the City Plan Commission, and has been a member of the New Haven Board of Zoning Appeals since 2013. She is fluent in Spanish. She has been an adjunct professor at the Quinnipiac University School of Law since 1996, where she has taught legal skills, Introduction to Representing Clients, Evidence and Lawyers Professional Responsibility. She is actively involved in the law school's International Human Rights Law Society and has regularly accompanied the group on its annual service trips to Nicaragua and Guatemala. While in Nicaragua she has worked with other professionals and students on presentations at comparative law conferences at the University of Nicaragua School of Law in León and to the national Supreme Court of Justice on topics of concern to students and practitioners from both countries.

Anthony E. Monelli, Cretella Fappiano & Monelli PC, Trumbull

Anthony Monelli is the managing partner of Cretella, Fappiano & Monelli, PC. Prior to his admission to the Connecticut Bar, he clerked for the late Hon. Daniel F. Caruso, presiding judge of the Fairfield Probate Court.

Attorney Monelli was born and raised in Connecticut. He attended Fairfield University, graduating with a degree in business management. Attorney Monelli's passion for the law led him to work in the probate court and complete legal research projects for several local attorneys while working his way through law school. Attorney Monelli earned his juris doctor at Quinnipiac University School of Law.

Attorney Monelli's practice areas are primarily real estate closings, estate planning, wills and trusts, probate administration and litigation, and small business planning. Attorney Monelli's pro-bono work includes representing clients with impaired capacity and children in distress.

Ndidi N. Moses, US Attorney's Office, New Haven

Ndidi N. Moses is the 96th president of the CBA. Her focus for this bar year is balance for a better legal profession. As an active member of the association, she serves on the Board of Governors, House of Delegates, and Pro Bono Committee.

Tyler Raymond, Raymond Family Law LLC, Bridgeport

Attorney **Tyler Raymond** has been practicing exclusively matrimonial and family law for his entire career. He opened his own practice in June of 2016 after having practiced with one of Fairfield County's most preeminent matrimonial and family law firms. He received his J.D. from Quinnipiac University School of Law, graduating *cum laude* in 2012, and a BA in Psychology from the University of Maine in Orono, graduating *cum laude* in 2009. Attorney Raymond applies his understanding of human behavior and social interaction to his practice every day, helping clients through difficult and often emotional issues with sincerity, empathy and understanding.

Attorney Raymond regularly speaks on highly complex family law topics before his peers at local and national conferences. His work has also been published by the National Business Institute on multiple occasions. Attorney Raymond is a certified Guardian Ad Litem (GAL) and Attorney for Minor Children (AMC). He has represented numerous children in the New Haven, Milford and Bridgeport Superior Courts and accepts both private and court appointments for GAL/AMC matters.

Matthew C. Reale, Anthony & Reale, Shelton

Attorney **Matthew C. Reale** is managing partner in the law firm of Anthony & Reale in Shelton, Connecticut. Since 1992, Attorney Reale has practiced primarily in the areas of Probate Administration, Worker's Compensation and Residential and Commercial Real Estate transactions.

Attorney Reale is the 169th President of the Greater Bridgeport Bar Association. He is the Chair of the GBBA Real Estate Committee. He serves on the Board of Directors of the Center for Family Justice and the Marilyn Goldstone Foundation and is actively involved in the Greater Bridgeport Community. He was recognized as a 100 Plus Leader improving the lives of domestic violence victims across Connecticut by the Connecticut Coalition Against Domestic Violence, Class of 2017. He is also a member of the Notre Dame High School Alumni Hall of Fame, Class of 2018.

Attorney Reale is a former Associate Adjunct Professor at Sacred Heart University and currently sits on the Board of Visitors for the College of Arts & Sciences for Sacred Heart University. Attorney Reale also serves as an elected member of the Zoning Board of Appeals for the Town of Trumbull.

Attorney Reale holds a juris doctorate from the Villanova University School of Law. He holds a Bachelor of Science Degree from Sacred Heart University. He also studied law at Queens College, Oxford University, England.

[Michael S. Rosten, Cohen and Wolf PC, Bridgeport](#)

Michael S. Rosten is Of Counsel to Cohen and Wolf and is a member of the firm's Real Estate Group. Michael practiced with the firm from 1978 to 1998, handling a broad range of real estate matters. He also served as chair of the firm's Real Estate Group. He re-joins Cohen and Wolf after having been a solo practitioner for twenty years. His practice focuses on all aspects of residential real estate providing effective and practical advice to consumer buyers and sellers, developers, mortgage lenders and Realtors throughout Fairfield and New Haven Counties. Michael has also drafted many sets of condominium documents while representing developers across the State of Connecticut.

Michael received his Bachelor of Arts from Williams College in 1975, and his Juris Doctor from The Cornell Law School in 1978. He is an active member of the Real Property Sections of the Connecticut and Greater Bridgeport Bar Association.

Michael is a licensed title insurance agent and real estate salesperson. As a licensed real estate salesperson, he maintains memberships in the Statewide Multiple Listing Service, the National and Connecticut Association of Realtors and the Greater Fairfield Board of Realtors.

[Sheryl A. Shaughnessey, Law Office of Sheryl A. Shaughnessey, Fairfield](#)

Sheryl A. Shaughnessey is a sole practitioner in Fairfield, Connecticut. Her practice focuses on all aspects of matrimonial law including divorce, custody, and child support. She is certified in Mediation and Collaborative Law and has been qualified as guardian ad litem. She also practices extensively in residential real estate.

Attorney Shaughnessey was the first female president of the Greater Bridgeport Bar Association and remains active on the board. She is proud to have received the Career Service Award from the Bar Association in 2019. She co-chairs the Concern for the Profession Committee of the Greater Bridgeport Bar Association and serves on the board of LCL-Ct, Inc. since its inception. She is also a member of the New Haven, Fairfield County, Milford, and Hartford Bar Associations as well as the Connecticut and American Bar Associations. She volunteers regularly as a Special Master in the Family Courts. She is a past president of the Fairfield Rotary Club and is active in Rotary International. She is also a licensed funeral director associated with her family business, The Shaughnessey Banks Funeral Home, in Fairfield, Ct.

[John C. Smriga, State's Attorney for the Fairfield Judicial District, Bridgeport](#)

Lawyer Ethics and Professionalism With Pat and Mark



We Know a Little Because
We've Seen a Lot

The Shift from the Code of Conduct to a Rules Regime

- From lawyers as “ministers in cathedral of justice” to actors in a commercial enterprise
- From idealized professionals to regulated business persons
- From morals and ethics to rules and norms

Significant Elements of a Code Regime

- Compliance trumps intent
- Little to no common-law development
- Textualism important tool
- Intent discerned not from what drafters meant to say but what they did say
- Past cases illustrative of rules in application but not binding authority
- Opinions and interpretations only persuasive, never binding

Purposes of Lawyer Discipline



- Protect public and courts from those unfit on basis of competence or character
- Establish and enforce norms for edification of bar
- Neither punitive nor restorative

Four Axes in Which Law is Practiced

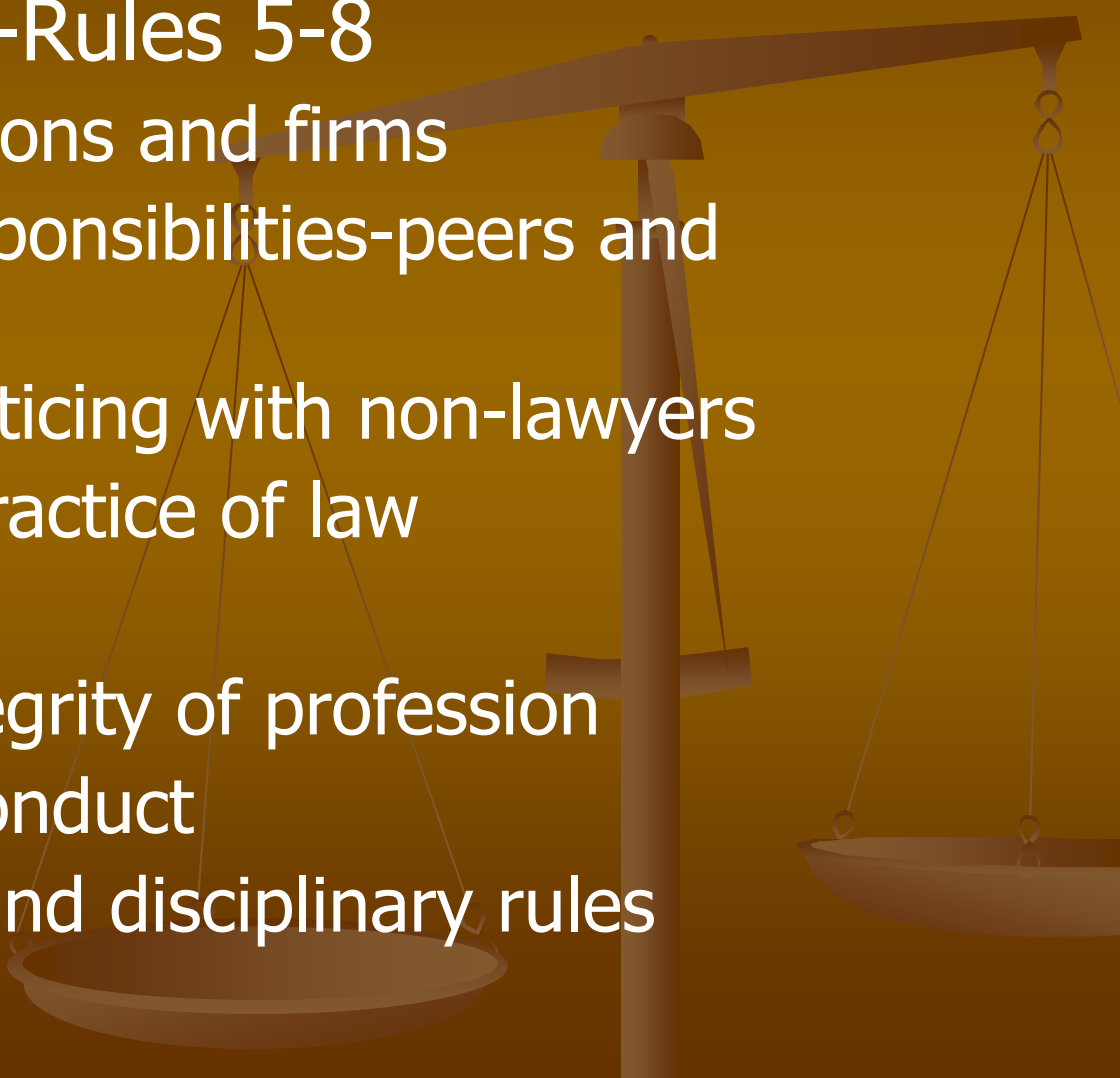
- Client relations
- Institutional relationships
- Lawyer as public citizen
- Lawyer as human being



Two Types of Regulations

Representational and Structural

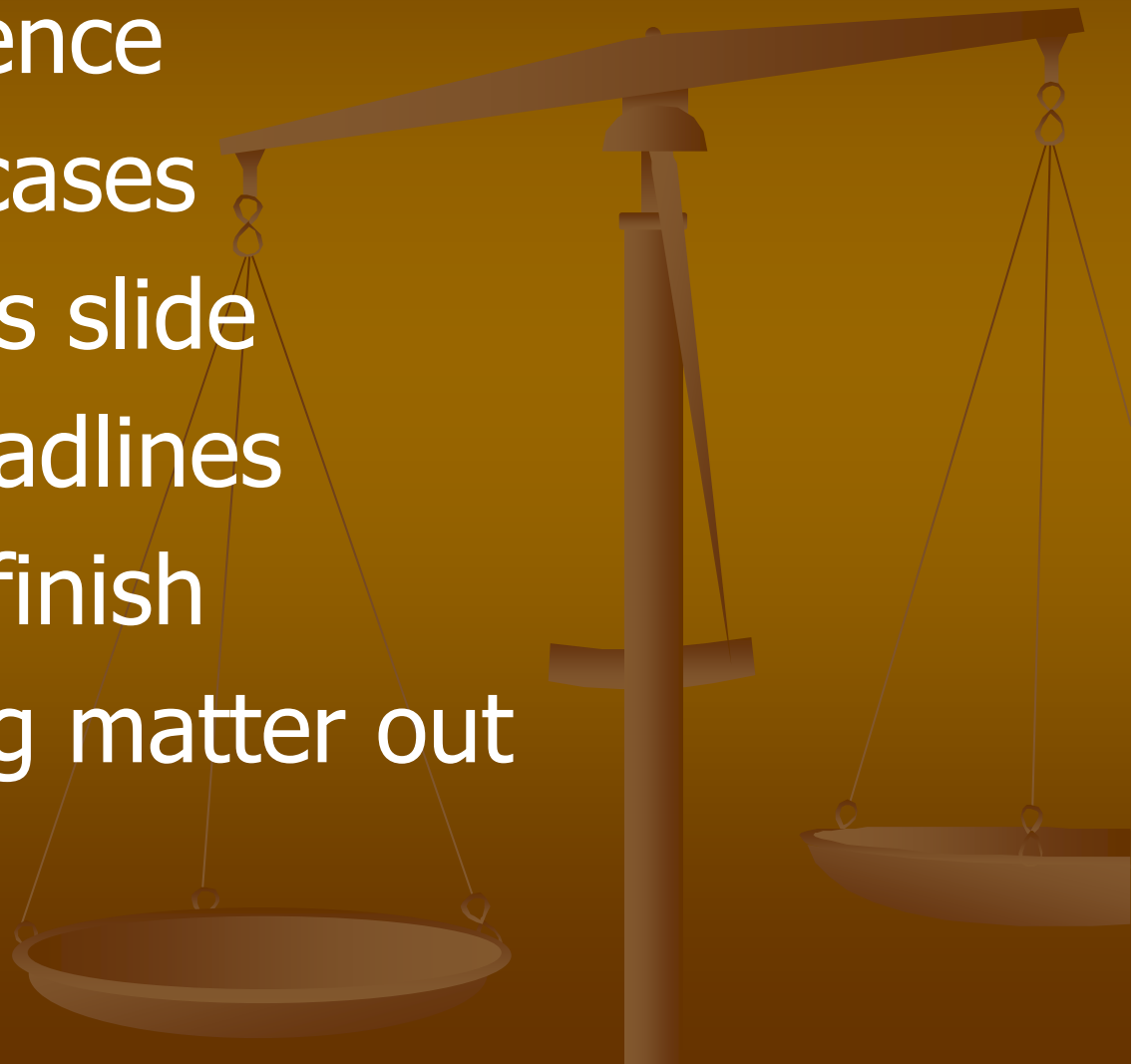
- Representational Conduct-Rules 1-4
 - Counseling and communication
 - Competence and diligence
 - Compensation
 - Confidentiality
 - Conflict-free loyalty
 - Candor to the tribunal-as court officers
 - Candor to the public and bar-fair play

- 
- Structural Rules-Rules 5-8
 - Legal organizations and firms
 - Supervisory responsibilities-peers and employees
 - Prohibiting practicing with non-lawyers
 - Unauthorized practice of law
 - Advertising
 - Maintaining integrity of profession
 - Reporting misconduct
 - Bar admission and disciplinary rules

Most Frequently Implicated Rule Violations

- Rule 1.4 Communication
 - 30-40% of cases
 - Not returning phone calls/e-mails/other communication
 - Not keeping clients informed of progress

- Rule 1.3 Diligence
 - 15-20% of cases
 - Letting cases slide
 - Missed deadlines
 - Failing to finish
 - Not closing matter out



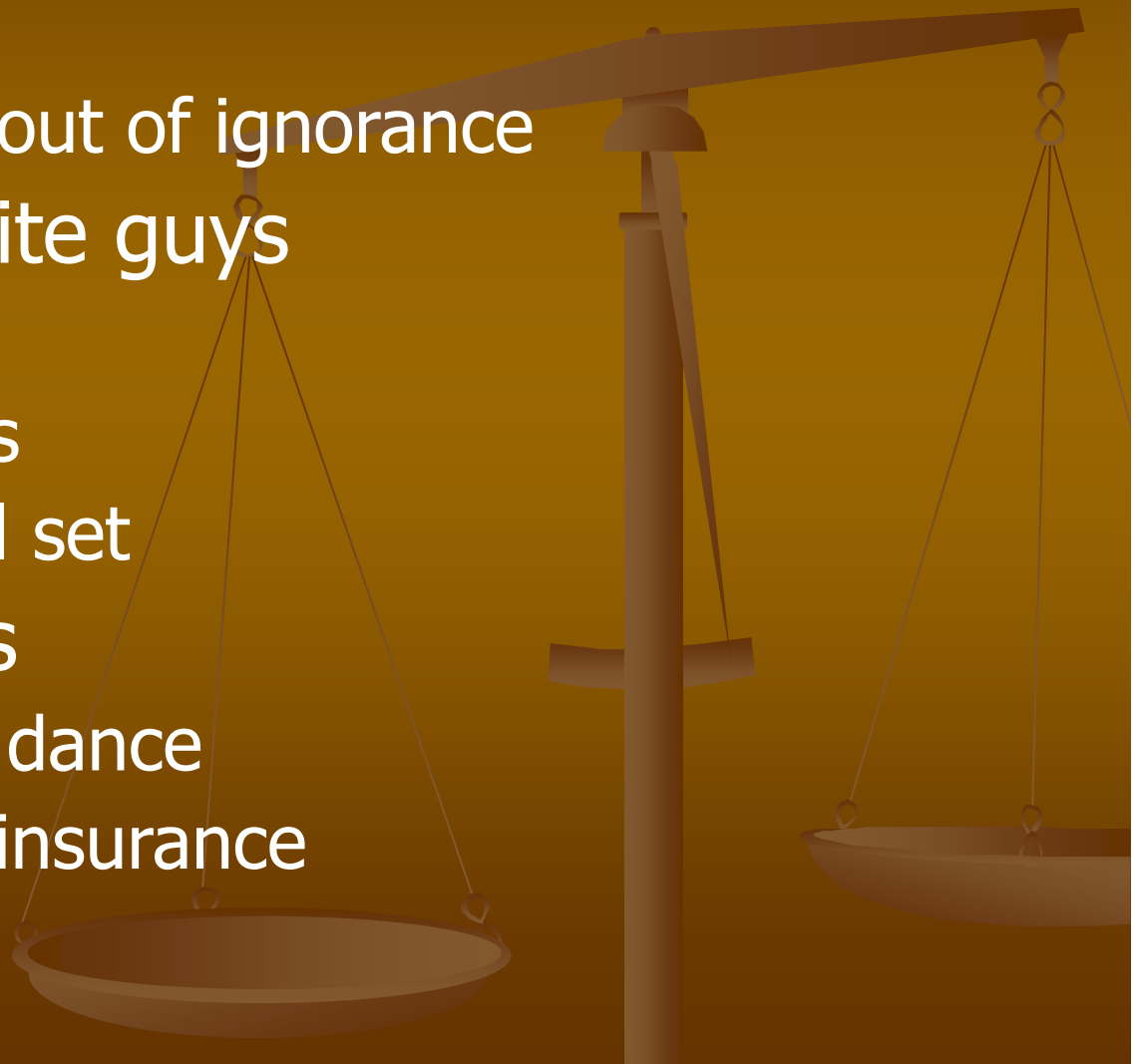
Other Rules in “Top 5”

- Conflicts issues
 - Perception vs. reality
- Management issues
 - Handling funds
- Honesty issues
 - Candor with clients, courts and opponents



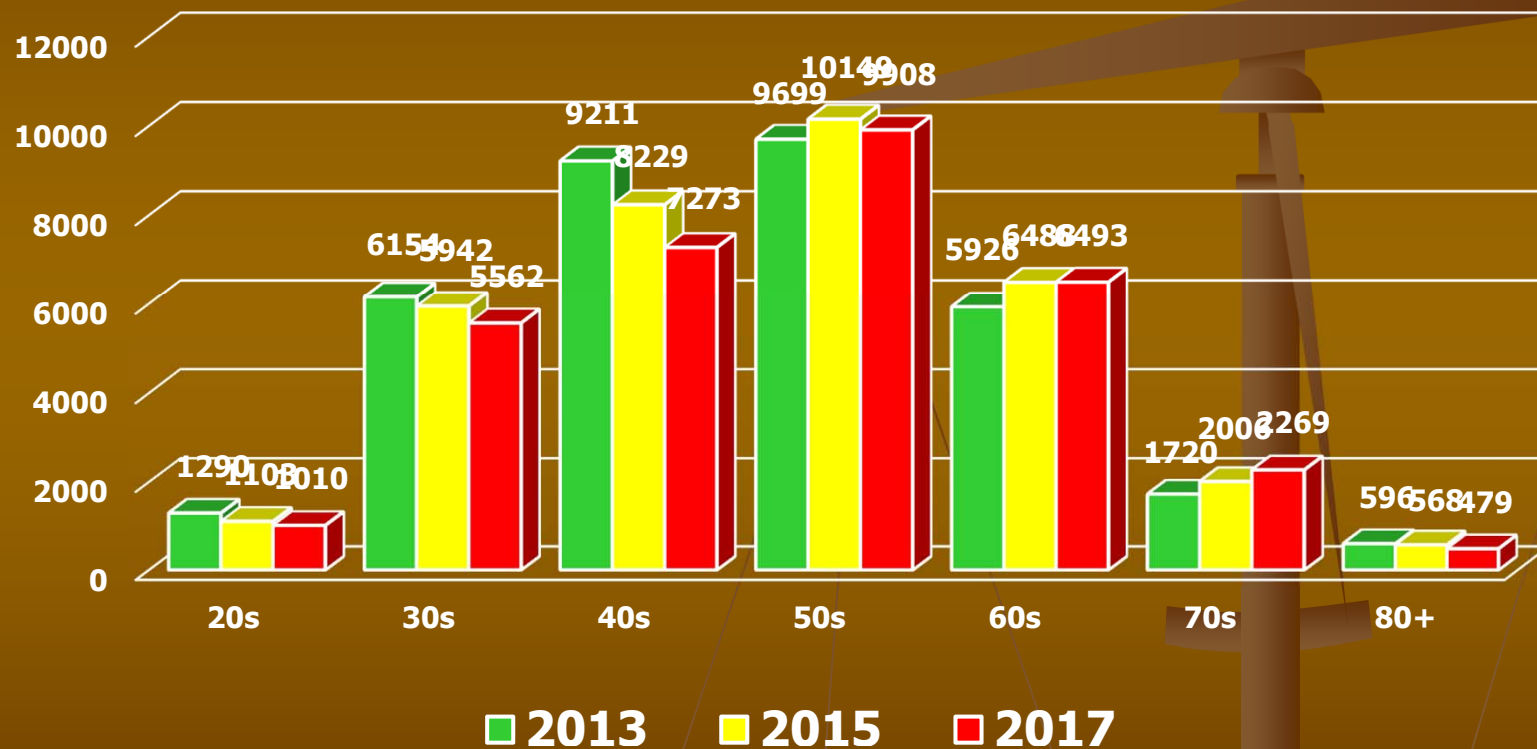
Three Classes of Violators

- Young lawyers
 - Mistakes made out of ignorance
- Middle aged white guys
 - Mid-life crisis
 - Family problems
 - Out-of-date skill set
- “Senior” lawyers
 - Too long at the dance
 - No savings, no insurance



A Changing Profession

Active Attorneys 2013, 2015, 2017



The Three C's of Lawyer Discipline

Compliance

(Ac)Counting

Crisis



Big Issues in Compliance

Competence
Communication
Confidentiality
Conflicts
Candor to the Tribunal
Civility



Competence

Rule 1.1 A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Technical Competence

Maintaining Competence. To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Houston, we have a problem...



Problems Related to Cyberspace



- Unauthorized practice of law
- Unintended attorney/client relationships
- Meta-data
- Unintended disclosures
- Breaches of confidences/loss of privilege

Communication

Rule 1.4. Communication

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent ... is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information

Meeting Clients on Their Turf



Confidentiality



Rule 1.6. Confidentiality of Information

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by subsection (b), (c), or (d).

“The only reason I am not reading
your e-mails is because I don’t
want to.”



PUBLICITY



Conflicts



Candor to the Tribunal



Judge Brings Gavel Down on New Haven Attorney, Referred to Statewide Grievance Committee

September 24, 2019 at 12:43 PM

In a stinging rebuke, a Superior Court judge announced that she would refer ...a well thought of lawyer... to the Statewide Grievance Committee for providing inaccurate interrogatories to the plaintiff's counsel in a premises liability slip-and-fall case.

The judge also ordered a mistrial, and said a new trial with a new judge would be set for December to unravel why the attorney hadn't mentioned a video recording of the incident at the center of the suit.

"Because the court believes that it has an obligation to do so, it is the court's intention to refer counsel to the grievance committee..."

Civility



Accounting and Managing Funds



 alamy stock photo

RB3938
www.alamy.com


Lawyers at IOLTA CLEs



Basic Principle of IOLTA accounting

Your clients' funds account is
not like a poker pot.



 alamy stock photo

RB3938
www.alamy.com

But like individual
segregated sub-
accounts.



Crisis

.33% of lawyers will be subject to disciplinary sanctions

33% of lawyers will have crisis issues:

Stress, anxiety, impostor syndrome

Depression

Substance abuse

Process abuse

Suicide

Problems Unique to Young Lawyers

Bar admission issues

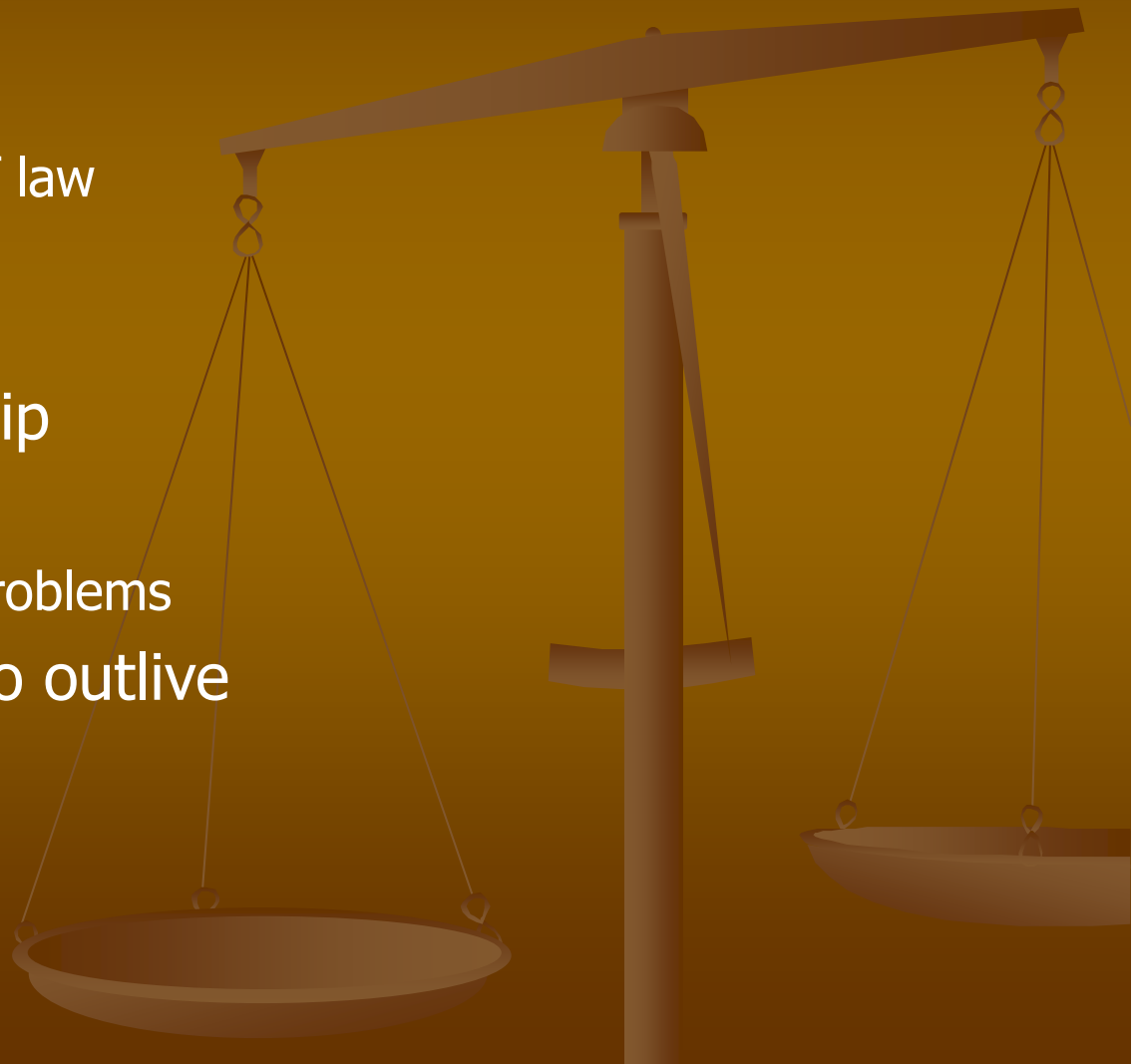
- Academic misconduct
- Unauthorized practice of law
- Financial problems
- Criminal issues

Going down with the ship

- Daniels v. Alander
- Inheriting boatload of problems

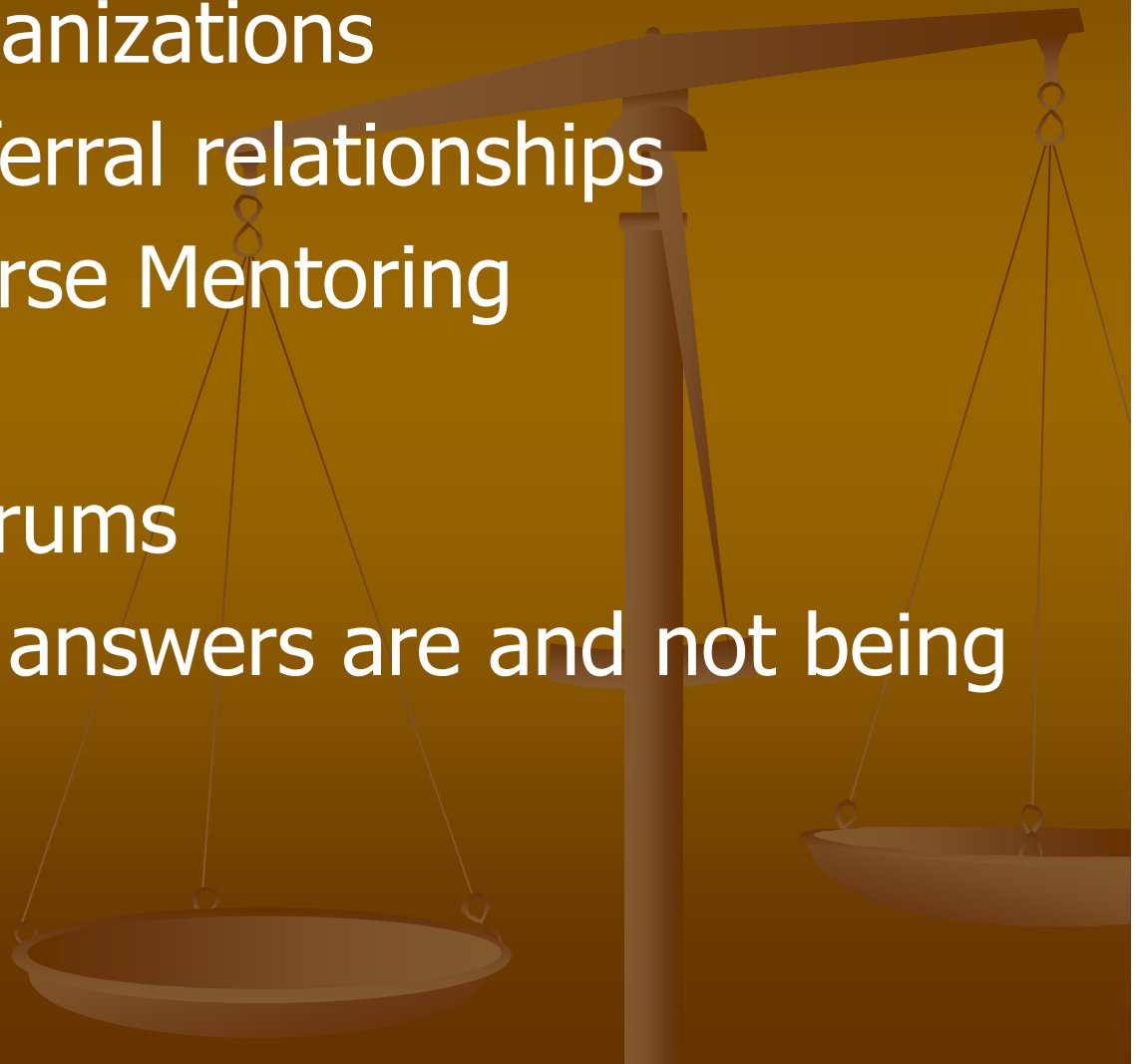
Reputation impossible to outlive

- Early mistakes live on
- The Internet is forever



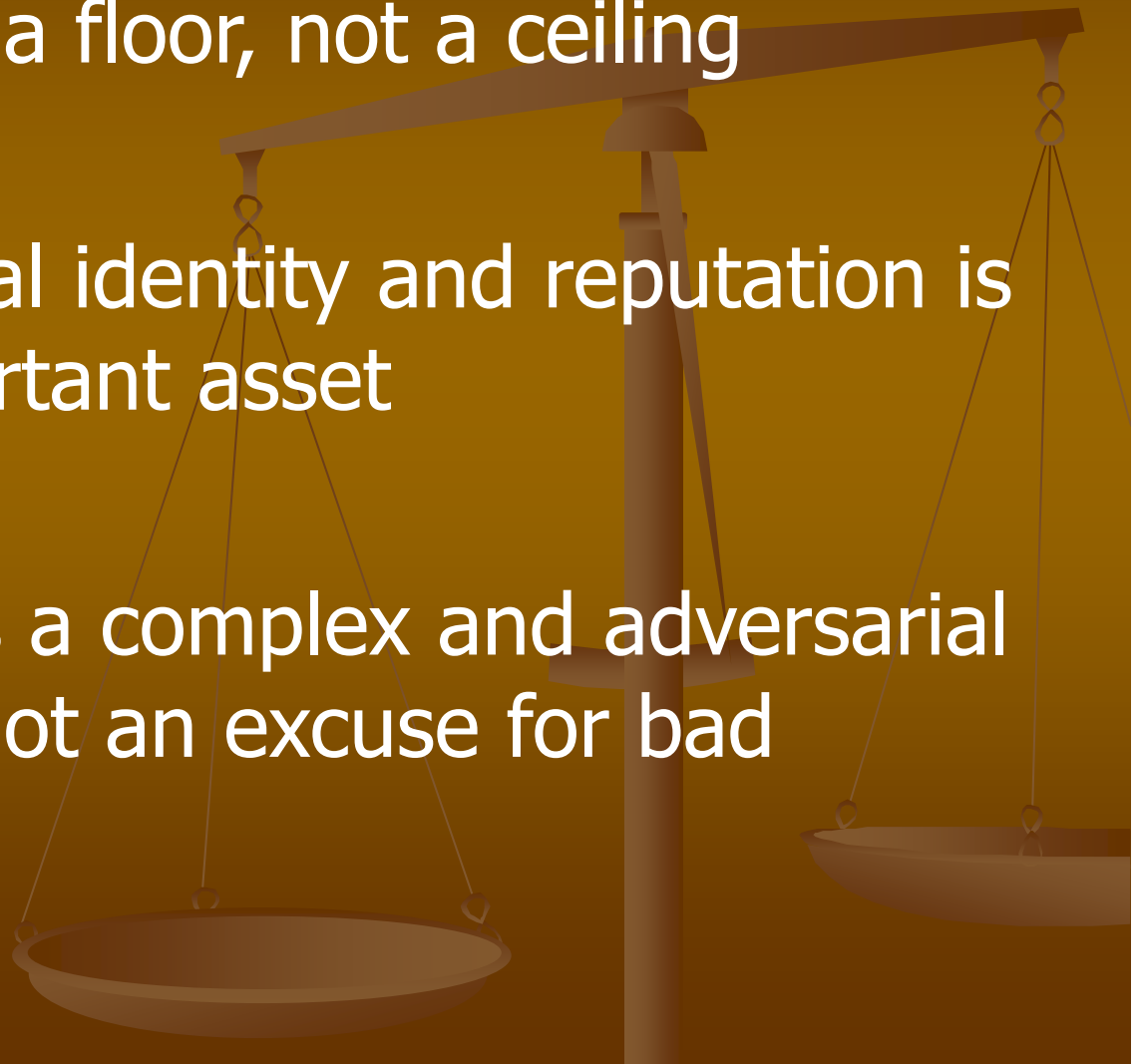
Lifeboats for Young Lawyers

- Professional organizations
- Mentors and referral relationships
- Mentoring/Reverse Mentoring
- Networking
- Listservs and forums
- Knowing where answers are and not being afraid to ask



Remember:

- Ethics rules are a floor, not a ceiling
- Your professional identity and reputation is your most important asset
- Practicing law is a complex and adversarial enterprise but not an excuse for bad behavior



**REMARKS
BY
THE HON. JOETTE KATZ**

**Connecticut Bar Association Bench-Bar Professionalism Symposium
November 8, 2019**

Trials are not tea parties, and I appreciate the importance of minimizing a chilling effect on the kind of resolute advocacy that is at times necessary to advance a client's cause. But the risks associated with the loss of communal and cultural commitments to social values like honesty, civility and integrity seem far more profound than they did even a few years ago. Dishonesty, contempt and cruelty have a prominence in public life and in politics that I never imagined. I consequently feel obliged to try and answer the fundamental question I never dreamed was in doubt---does civility matter? Or to be precise, considered apart from the issue of regulating lawyers for incivility, is civility a quality of good lawyers? Civility *is not the same as agreement*. The presence of civility does not mean the absence of disagreement. In fact, underlying the codes of civility is the assumption that people will disagree. The democratic process thrives on dialogue and dialogue requires disagreement. Professor Stephen Carter of Yale Law School has stated, in one of his many writings on civility, "[a] nation where everybody agrees is not a nation of civility but a nation without diversity, waiting to die." The duty to practice with civility has long been embodied in the legal profession's collective conscience. Civility has been described as the glue that holds the adversary system together, that keeps it from imploding. But we often talk about civility through the converse-incivility. Incivility warrants sanction for professional misconduct. That's fine as far as it goes. But at a normative level that

doesn't amount to much. We know that incivility has bad effects, and rules give some examples of what incivility can look like, but it doesn't tell us conceptually the wrong incivility does or how, conceptually, we distinguish civil from uncivil behavior.

One of the great professional experiences for a judge is watching good attorneys examine and cross-examine witnesses and listening to them respectfully argue relevant legal and factual issues. Issues become clearer, applicable law becomes more defined and there is confidence that disputes are better resolved. Litigants win and lose but there is a sense of civility and rationality. The litigants have had their day in court without being sucker-punched in an abusive and degrading process. But is it really necessary to remind grown, college educated lawyers of the obligation to be civil? There should be an agreement that the practice of law, and court proceedings in particular, should be civil. But for some reason, incivility is like looting after a riot: there is understanding that incivility is bad but, hey, everyone else is doing it and they get all the free stuff. There is an implication that incivility works. I would suggest that incivility in the long run does not serve the interests of attorneys or their clients.

From the judge's perspective, contested court appearances, whether motion hearings or trials, involve three issues. First, what is it that each of the parties is requesting? Attorneys should be clear about what is being requested. Second, is it within the judge's purview to grant the request? And third, is what is being asked the best result? Attorneys who present facts and argue consistently

within this outline understand how judges think. Those attorneys are going to win – at least within a range of judicial discretion.

Some cases can be won by *any* attorney and some cases will be lost by *every* attorney. But the great majority of cases are less predictable and in these cases, the character of the attorney influences how effective he or she is. And an attorney's trust and affection – that is, his professional character and reputation – build over time and are difficult to change. Judges do not easily forget the attorney who is less than forthright and honest or who accepts rulings with threats of appeal or emotional criticism. Attorneys who guide judges to make intelligent and legally appropriate decisions, and do so with respect for the process and those within it, are far more welcomed. Judicial perception of the value of an attorney's professional character, reputation or skill is not an unfair consideration. It is simply human nature. (I'm not suggesting that appeals should not be taken-just not threatened.)

Now, there is no good systemic data on incivility's prevalence. There have been countless writings, however, about widespread and growing dissatisfaction among judges and established lawyers who bemoan what they see as the gradual degradation of the practice of law, from a vocation graced by congenial professional relationships to one stigmatized by abrasive dog-eat-dog confrontations.

Discussion of the problem tends to dwell on two areas: (1) examples of lawyers behaving horribly, from which most of us easily distinguish ourselves; and (2) possible causes and justifications of that behavior—rather than possible

solutions. Traditional media and social media carry countless accounts of lawyers screaming, using expletives, or otherwise being uncivil. Lawyers who reflect on the trend generally pin the cause on any of a combination of factors, including the influence of outrageous media portrayals; inexperienced lawyers who increasingly start their own law practices without adequate mentoring; and the impact of modern technology that isolates lawyers and others behind their computers, providing anonymous platforms for digital expression.

But remember, rude and obnoxious behavior may not always be the product of mindlessness. Rather, some see it as part of their job to use whatever they can to zealously represent their client, regardless of the consequences of unwarranted delays, undermining or frustrating opposing counsel, or even insulting or threatening behavior. A creative, unscrupulous lawyer can manage to do any number of uncivil and unprofessional things without triggering disciplinary action. Clients sometimes think these behaviors are necessary for effective advocacy. Research has shown, however, that business people who treat one another with respect and in good faith do better most of the time. After surveying data across over 3,500 business units, psychologist Adam Grant from University of Pennsylvania, Wharton School of business, found that most of the time, these “givers,” those who contribute to others without seeking anything in return, get the best results. Contrary to the words of Michael Corleone, acting like a jerk in the practice of law is not “strictly business.” It is personal. It reflects who we are as a person.

Aside from the most obvious reasons that lawyers should act civilly—that is, that the profession requires it of them and it’s just the right thing to do—a number of tangible benefits accrue from civil conduct in terms of reputational gain and career damage avoidance that I referenced earlier. Lawyers who behave with civility also report higher personal and professional rewards. Conversely, lawyer job *dissatisfaction* is often correlated with unprofessional behavior by one’s opposing counsel. In the 2007 Survey on Professionalism of the Illinois Supreme Court Commission, 95 percent of the respondents reported that the consequences of incivility made the practice of law less satisfying. Other research shows that lawyers are more than twice as likely as the general population to suffer from mental illness and substance abuse. Law can be a high-pressure occupation, and it appears that needless stress is added by uncivil behavior directed to counsel. I use the term “needless” intentionally here because the consequences of incivility, as acknowledged by over 92 percent of the survey respondents, often add nothing to the pursuit of justice or to service of client interests. Consequences include making it more difficult to resolve our clients’ matters, increasing the cost to our clients, and undermining public confidence in the justice system.

Historically, incivility *per se* has by and large not been prosecuted by attorney regulatory authorities, but the tide seems to be turning. Since 2010, several attorneys have been suspended by their states’ high courts for uncivil conduct implicating a lawyer’s duty to uphold the administration of justice and other ethics rules. The Supreme Court of South Carolina has disciplined several attorneys for incivility, citing not only ethics rules but that state’s Lawyer’s Oath,

taken upon admission to the bar. The oath contains a pledge of civility. In *In the Matter of William Gary White III*, the lawyer had sent a letter to his client, a church, which had received a notice from the town manager regarding compliance with zoning laws. The town manager was copied on the lawyer's letter. The letter questioned whether the town manager had a soul, said the town manager had no brain, and characterized the leadership of the town as pagans and insane and pigheaded. The court found that respondent White had sent the letter as a calculated tactic to intimidate and insult his opponents, violating his obligation to behave in a civilized and professional manner. In imposing a ninety day suspension, the court noted that "the legal profession is one of advocacy; however, Respondent's role as an advocate would have been better served by zealously arguing his client's position, not making personal attacks . . . and Respondent's conduct in this matter reflects poorly on himself as a member of the legal profession and reflects negatively upon the profession as a whole."

In Illinois, respondent Melvin Hoffman was prosecuted by disciplinary authorities for oral and written statements made to judges and an attorney. His offensive statements included calling a judge a "narcissistic, maniacal, mental case," who "should not be on the bench." In an administrative proceeding before the Illinois Department of Children and Family Services, Hoffman's comments included saying that "this is a kangaroo court"; that the judge was "an advocate and adversary to my position in everything that's done here"; that he would be "embarrassed to have to take such jobs [as Administrative Law Judge]"; and that the proceeding was "no more a fair hearing than they had in Russia when they

were operating under the Soviet system.” Hoffman also was charged with saying to another attorney in a courtroom that the attorney was “unethical” and “you must be from a Jewish firm.” The Illinois Supreme Court upheld the findings that the lawyer had violated various ethical rules, including Illinois Rule 8.4(a) (modeled after the corresponding ABA Model Rule), prohibiting conduct prejudicial to the administration of justice, and suspended Hoffman for six months and until further order of court. Connecticut has had its fair share of uncivil behavior that resulted in reprimands. In one such case that resulted in a reprimand, the husband’s attorney in a dissolution action made gestures about the wife and started singing Twilight zone music. In another, one attorney called the opposing party who was Arabian “a piece of Arab shit”.

Outside of the courtroom, much of the uncivil arrow-slinging between counsel historically has occurred during discovery disputes in litigation. However, the growing influence of technology in litigation, with its potential for marshaling exponentially more information and data at trial than ever, and the commensurate need to control and limit that information to what is relevant and manageable, suggest courts will grow even less tolerant of lawyers trying to manipulate the pre-trial fact discovery process or engaging in endless, contentious discovery disputes. Moreover, while never wise nor virtuous, it is no longer profitable to play “hide the ball” in litigation as clients are demanding better results at reduced costs.

But it’s not all hopeless as there has been movement toward systemic solutions to incivility. There have been programmatic efforts, largely led by judges, to address and curb spreading incivility in the legal profession. In 1996, the

Conference of Chief Justices adopted a resolution calling for the courts of the highest jurisdiction in each state to take a leadership role in evaluating the contemporary needs of the legal community with respect to lawyer professionalism. In response, many supreme courts have established commissions on professionalism to promote principles of professionalism and civility throughout their states.

Many more states have, either through their supreme courts or bar associations, formed committees that have studied professionalism issues and formulated principles articulating the aspirational or ideal behavior that lawyers should strive to exhibit. These professionalism codes advise at the outset that they do not form the basis of discipline but are provided as guidance—attorneys and judges should strive to embody professionalism above the floor of acceptable conduct that is memorialized in the attorney rules of ethics. They also typically echo a theme found in the Preamble to the Model Rules of Professional Conduct: that lawyers have an obligation to improve the administration of justice.

In 2004, a relatively aggressive stance was taken by the Supreme Court of South Carolina. The South Carolina high court amended the oath attorneys take upon admission to the bar to include a pledge of civility and courtesy to judges and court personnel and the language “to opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.” It also amended the disciplinary rules to provide that a violation of the civility oath could be grounds for discipline. In 2011, the Supreme Court of Florida added a similar pledge to that state’s oath of admission to the bar.

Some jurisdictions, in states including New Jersey, Illinois, Georgia, Florida, Arizona, and North Carolina, have taken the voluntary aspirational codes further and have adopted an intermediary or peer review system to mediate complaints against lawyers or judges who do not abide by the aspirational code. Because compliance with the mechanism, like the aspirational code, is voluntary, the success of these mechanisms has been inconsistent. It can be challenging to implement an enforcement mechanism in a way that inspires voluntary compliance with an aspirational code without straying into the area of attorney discipline.

Without question, the most effective ways of addressing incivility entail bringing lawyers together for training and mentoring. The American Inns of Court, modeled after the apprenticeship training programs of barristers in England, brings seasoned and newer attorneys together into small groups to study, present, and discuss some of the pressing issues facing the profession. Through specialized bar associations and other organizations, educational efforts bringing together both prosecutors and defenders are lauded as successful vehicles for airing diverse perspectives in a way that promotes civility. Free expression, resolute advocacy and the right to a full defense do not need to be sacrificed on the altar of civility.

I am not a goody two shoes. Those of you who know me and know my writing know that I do believe that there are circumstances in which sarcasm and invective are appropriate tools for a lawyer. The key is to know what those circumstances are and what they are not and what norms and values does civility

protect that we can use to distinguish good invective from bad. There are certainly atrocities that we can agree deserve and indeed require some calling out.

But even there I caution because the sarcasm causes the audience to examine the messenger and not his message. So while the situation may allow and indeed may even call for paying homage to human dignity, I suggest that it might do so at the expense of the wisdom and judgment being conveyed.

Now let me turn to judges for a moment. Our judges and courts, each day, strive to ensure the fair, impartial and independent administration of justice so that each citizen is treated with respect, dignity and fairness. Judges and courts have a significant impact on our daily lives and we entrust them to make some of the more important decisions that affect us. Think about this for a moment. Only a judge can grant a divorce, confirm an adoption, order the termination of parental rights, sentence a person to death, impose a sentence of imprisonment or cause a change in property rights. They exist to protect our liberties and our most fundamental and sacred rights as set forth in the Bill of Rights, as well as to protect us from unlawful and unwarranted intrusion into our lives from the government. Without our courts, there is no justice, there is no freedom. Our courts are what we rely upon to protect both. Today, more than ever, our courts serve as a safe haven for the peaceful resolution of disputes. Conflict and dispute are part of life and whether it is a contract that is alleged to have been breached, a marital relationship that is broken, a dispute over the provisions in a will, a dispute between a landlord and tenant, an alleged case of medical or legal malpractice, or any other dispute that arises, it is our courts that are called upon to hear the

dispute, listen to the parties involved and try to reach a fair and equitable result based upon the facts presented and the law as applied.

When those who come to the safe haven of the courthouse arrive to participate in the glory and majesty of our cherished justice system, they must leave knowing that our courts, our judges, were there for them, administering justice fairly and impartially and insuring civil discourse in order that respect for our justice system be preserved and perpetuated. Therefore, when I think about civility in the practice of law, it's not just the lawyers who have been a problem; on occasion, it's also been the judiciary. Judges have asked counsel questions of whether they were being candid, refer to them as intellectually dishonest, or tower over or yell at them in the middle of hearing. I have seen or read transcripts with all of those things at the hands of members of the court. And how to deal with that is not something anyone ever teaches you in law school.

I would remind you however that judges do not always have it easy. They have exploding caseloads and fewer and fewer dollars every year to deal with them. But at what point did the convenience of the court's calendar start not just to overshadow the rights of the defendants and the needs of the victims and witnesses, but to completely consume it? Doing anything to disrupt the court's calendar — whether it be by filing a motion requesting an evidentiary hearing, seeking an adjournment, or (gasp!) a defendant who actually exercises his right to a trial —has been known to cause a meltdown. That sort of questioning has no place in a courtroom. It's abhorrent. And it's uncivil. Fortunately, these instances are few and far between but I raise them to confirm that I understand and that no

one is immune from the need to be civil. Judges are under enormous pressure, but so is everyone else. A defendant exercising his rights by actively defending against the serious charges against him, should not be the cause of incivility. It should be celebrated.

Conclusion: A Time to Recommit to Civility

First, I want to complement the Judicial branch and the CBA for constantly shining a light on the importance of this topic. In Connecticut, there are frequent seminars about complying with Connecticut's rules of professional Conduct. Informal ethics advisory opinions from the last 10 years are posted on the CBA's web site. Grievance decisions are issued by the statewide bar counsel in response to complaints and are readily available as a source of education to the bar. But we cannot take our foot off the pedal.

I suggest that the needed rebirth of civility, at a critical juncture in the evolution of the legal profession, should be seen by lawyers not as pain, but as gain. As the research conclusively bears out, (1) civil lawyers are more effective and achieve better outcomes; (2) civil lawyers build better reputations; (3) civility breeds job satisfaction; and (4) incivility may invite attorney discipline. The rapid changes that technology and globalization are bringing to the practice of law make civil behavior more important than ever. Those two monumental change agents introduce conditions clearly conducive to conduct unbecoming a legal professional, that is, more stress, the dehumanizing effect of electronic interfaces, inexorable pressure to compete or perish, the demands of information overload, and incessant pressure to behave more "like a business" and less like a legal

professional in the traditional sense. In the face of all that, one might ask, why bother trying? The answer—again besides the obvious: that the profession requires us to be civil, and it is simply the right thing to do—ultimately speaks to the challenge to preserve a great profession, as well as that level of professionalism among lawyers that the larger American society requires in order to survive as a civil society bound to the Rule of Law.

Thank you to the many sources I read in preparation for this article, among them: Civility in the Courtroom: A Judge’s Perspective (State Bar of Nevada 2009); Civility in the Courtroom (Oklahoma City University School of Law 2013); Civility in the Courtroom (Marquette University Law School 2013); Civility as the Core of Professionalism (ABA for Law Students 2017); Judges Teach Civility as a Legal and Life Skill (U.S. Courts 2018); Creating a Culture of Civility in the Practice of Law (ABA 2019).

.