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AT THE EXECUTIVE COMMITTEE MEETING of the CBA Young Lawyers Section this past October, those young lawyers in attendance were treated to dinner and, of much greater consequence than pizza, an hour of ethics CLE credit with Connecticut's inaugural chief disciplinary counsel and CBA past president, Mark Dubois. Mark had suggested that we entitle the talk, "Ethics, Grievance, and Malpractice Pitfalls for Young Lawyers and How to Avoid Them: *Sex, Money, and Elvis*," (emphasis mine). Because I am lacking Mark's gravitas, sense of humor, and confidence, I left the last four words of his suggested title out of the formal agenda.

At the meeting, in addition to providing some background information on Mark's substantial curriculum vitae and accom-

# We're All in This Together

By David A. McGrath

plishments, I introduced him with a personal anecdote. I suspected that my story, while memorable to me, was a story of just another day at the office for him. My recollection after all these years is surely imperfect, but what I remember is worth retelling here.

Almost ten years ago, when I was completely new to the practice of law, after a phone call with a distraught client, I was left fearful that my client might attempt suicide. As a fledgling young(er) lawyer, I had no idea whether I could, or should, call the police. In my naivete, I was concerned that such a call might violate attorney-client confidentiality. I second-guessed myself as to whether I was overreacting. Doing nothing would have been much easier and professionally safer than doing something. At that moment, all of the lawyers in my firm were in court or otherwise unreachable.

Mark's name sprung to my mind, although I did not know him particularly well at the time. I strongly suspect that he knew me even less, if at all. My only connection to him was having heard him speak at CLEs and similar events, from which I knew him to be an authority on issues of ethics. I recall being able to quickly locate his e-mail address from prior correspondence, but not his phone number. I e-mailed Mark my question and then set about researching the answer myself. I did not get far in my own research, however. Mark called

my office directly within about two minutes of my contacting him. He pointed me to Connecticut Rule of Professional Conduct § 1.14 and told me "we're all in this together."

I called the police and they performed a well-check on my client. My client called me later that day and told me (to paraphrase), "I don't know whether to hate you or thank you." She and I would later successfully settle her divorce case.

At the Young Lawyers Section meeting this October, Mark confirmed my suspicion that he had forgotten about the entire event until I reminded him of it. He went on to suggest to the young lawyers in attendance (in different and kinder words) that the better course of action for me to have taken might have been to forget the rules entirely in that moment and behave like a human being instead of a lawyer. More importantly, however, he used my story as an opportunity to argue, humbly, in my opinion, that his response was nothing out of the ordinary for an experienced attorney. That response having been to drop whatever he was doing and immediately call a young lawyer with no professional connection to him to offer his assistance.

Initially, Mark's assessment struck me as entirely too optimistic. After all, the reputation of lawyers is one of competitiveness and relentless focus on the billable hour. We are a notoriously busy and adversarial

profession. There is an old joke about the difference between doctors and lawyers: when a doctor works to save a patient, the hospital does not send another doctor into the operating room to try to kill that patient. Attorneys are opponents, not teammates. Surely most lawyers would not risk their own deadlines, obligations, and bottom lines to stop and help a younger competitor from some other firm, simply because they were asked.

However, as I have reflected upon Mark's claim in light of my own experience, I have concluded that he is entirely correct. I have personally sought the help of numerous lawyers, young and old, over the years. Most have been incredibly giving of their time and knowledge without any expectation of personal or professional gain. I have come to appreciate that this is one of the finest aspects of our profession. I cannot say for certain, but I doubt that real estate agents regularly call their competi-

tors for advice on how to sell an unusual house. I also believe that this is one of the most understated and important things for young (and perhaps even older) lawyers to appreciate and take advantage of.

As a young lawyer, I have long had the sense that the profession of law, while improved in many ways, has been pushed by technological, economic, and societal forces to become less of a profession and more of a business. Nevertheless, this aspect of selfless giving of advice and this desire to help other lawyers flies in the face of business sense, malpractice risk, and time management. Whether for reasons of altruism, professional obligation, ego, or some combination of all of the above, the vast majority of lawyers, if asked for advice or help, will go out of their way and take the time to provide it. As we confront well-reasoned concerns about the decline of professionalism among lawyers, this is an area that is worth highlighting.

My advice to every young lawyer: ask questions. Do not be afraid to admit what you do not yet know—however scary that proposition is for those of us trained to try to know everything. Wait after each CLE program to introduce yourself to the panelists and pepper them with questions. Sign up for the CBA's statewide mentoring program. Seek out informal mentoring. Ask more senior lawyers to lunch, coffee, or happy hour even if they work at a different firm (they might even pick up the check). Ask them how they got to where they are—they will be flattered to have the opportunity to talk about themselves. We all have an appreciation for being respected and needed. It is an often-overlooked form of networking and an important way to increase your knowledge.

If the lawyer whose advice you seek ignores you or rejects your request, then you have learned everything that you need to know about that lawyer. After all, we're all in this together. ■



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