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## In Search for Civility

By Jonathan M. Shapiro

On November 2, the Connecticut Bar Association, in collaboration with the Middlesex County Bar Association, the New London County Bar Association, and the Judicial Branch hosted its annual professionalism symposium, Raising the Bar: A Bench-Bar Symposium on Professionalism. This annual symposium is open to all lawyers, new or experienced, public or private sector, in-house or outside counsel. Its mission seeks to teach attendees how to zealously represent clients while maintaining civility with opposing counsel.

As a profession, I believe we do a good job of balancing these duties. This annual symposium serves as a reminder of our need to treat each other respectfully. I often say

that we have one of the few jobs where the person on the other side is trying to prevent you from succeeding at your job. This job is hard enough—we do not need to make it harder by treating each other disrespectfully. We all have our momentary lapses, but the vast majority of the lawyers I encounter treat each other with civility and respect.

I wish I could say the same for our country as a whole. Our elected leaders, from both sides of the political aisle,<sup>1</sup> have seemingly thrown civility out the window. With the barbs they sometimes exchange, you would think they are at war. They treat each other as enemies. One look at Facebook and you see their supporters can take a similar approach—you are with us or you are against us. You see it at the city, state, and local level. You see it on social media. The visceral attacks are disturbing. People have adopted a “win at all costs” mentality.

But what exactly are they trying to win? A majority in the House or Senate? Maintain some measure of “control”? Where does that get anyone? This country rose to prominence by putting aside our differences and

working toward the common good. I understand we have had our share of problems in this country. I understand that racism, discrimination, and fear have always existed and result in horrific acts of cruelty. But I truly thought, or at least hoped, we, as a society, were moving past that way of thinking—that we were becoming the melting pot we championed. I fear I am wrong.

As I began writing this column, I was watching the news unfold about the atrocities at the Tree of Life Synagogue in Pittsburgh where a man killed 11 people after screaming, “All Jews must die.” This atrocity capped off a week filled with hate and other acts of violence. Packages containing what appeared to be pipe bombs were sent to the offices of high-profile democrats, including the Clintons, the Obamas, and Joe Biden, among others. In Kentucky, a white man shot and killed a black man and woman in a horrific fashion at a grocery store. Given the statements from witnesses, it seems clear his motivation was fueled by hate.

Six years ago, when the Newtown tragedy occurred, the country stood in collective

silence. Connecticut and the nation stood together—albeit briefly. But these tragedies have not stopped. Hate-related crimes continue in a horrific fashion. Unfortunately, there are too many to list, but you have heard about all of them. In 2015, the church shooting in Charleston, South Carolina where a white supremacist murdered nine African-Americans and injured three others during a prayer service at the Emanuel African Methodist Episcopal Church; in 2016, the 49 people killed and 53 people injured inside Pulse, a gay nightclub in Orlando, Florida; in 2017, the 58 killed and 515 wounded in Las Vegas, Nevada; also in 2017, the 26 people killed and 20 injured at the First Baptist Church in Sutherland Springs, Texas. The murders on October 27 at the Tree of Life Synagogue was the 294th mass shooting in 2018.<sup>2</sup>

There are not definitive statistics on how many of these shootings are motivated by hate. If you ask me, you do not start shooting innocent people in innocent settings without some level of hate in your body.

What are the causes of these shootings? How can we prevent them? Do we need stronger gun laws? Do we need armed security wherever we go? Do we need better mental health treatment? Is the political climate contributing to the hate, resulting in these heinous crimes?

The truth is, we just don't know. After Sandy Hook, Connecticut adopted some of the strictest gun violence prevention laws in the country. Since then, the homicide rate in Connecticut is down considerably, and Connecticut has one of the lowest gun death rates in the country. Meanwhile, gun sales and gun permits have not been hurt by the new laws.<sup>3</sup> It appears we, at least in the short-term, have balanced the competing interests of Second Amendment and gun violence protection advocates.

There is no simple answer, and to think there is a simple answer misses the point. We have a problem. We need to address it. To address it, we need to have a discussion and take action based on that discussion. You are never going to convince me that the answer to gun violence is for everyone to carry a gun or to have armed security at

every venue. This country should be, and still is, the type of country where you do not need armed guards wherever you go. We are, or at least should be, better than that. We have complex problems that need complex answers. We need lawmakers and citizens brave enough and willing to listen to alternatives from the other side.

So what does this have to do with professionalism and civility? Despite the myriad of lawyer jokes, we are still a learned and respected profession. The members of our profession tend to be very active outside the profession with other causes—whether it be politics, charity, or the arts, to name a few.


If all you do is yell at the opposition and point out why you think their way is the wrong way, you are part of the problem. Whatever type of lawyer you are, you are involved in some level of negotiation and, ultimately, compromise. Most cases settle

and most deals get done. Why? Because we are willing to sit down, listen, discuss, and get the issue resolved.

This is another area where our profession can lead. We can, and often do, make a difference in areas outside the legal profession. We need to show and demonstrate that it is okay to treat each other with civility and respect in other aspects of our life. It is okay to seek common ground rather than take on a “win at all costs” mentality. That does not mean you are somehow losing the battle. I am willing to sit down and work to accomplish something. Are you? ■

## Notes

1. I am not a Democrat or a Republican. I am an independent and have been for most of my voting life.
2. <https://www.abc15.com/news/data/mass-shootings-in-the-us-when-where-they-have-occurred-in-2018>
3. <http://www.wnpr.org/post/whats-been-impact-connecticuts-gun-laws-after-sandy-hook>



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