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AT THE CONNECTICUT BAR ASSOCIATION Litigation Section Retreat this May, attendees engaged in an exercise about loss during the final segment of the program. The purpose of the exercise was to assist in better connecting with juries. As a family litigator, if I ever see a jury it will be because I am serving on one. Nevertheless, as with many other aspects of the retreat, it was highly educational.

Every litigator in the room (except for one uncannily fortunate soul) had experienced some deep loss in their lives that they had not fully overcome. The vast majority of the participants opened up to their colleagues and sometimes-adversaries about something deeply painful and personal. I will not give any examples of specifics, as I was given to understand that what happens in Chatham stays in Chatham.¹ That being said, witnessing stoic and hard-charging litigators demonstrate a high

Young Lawyer Concerned for Lawyers

By David A. McGrath

level of vulnerability and emotion to one another was both surprising to me and moving. It served as a reminder that there is not one among us who will not at some point deal with serious loss and grief.

It is fitting and fortunate, therefore, that the Connecticut Bar Examining Committee entered into a resolution agreement with the United States Department of Justice in April of 2019, substantially restricting the authority of the Connecticut Bar Examining Committee to ask applicants to the bar questions about their mental health diagnosis and treatment. Neither applicants to the bar nor members of the bar should be punished or harmed by the recognition that grief and loss are unavoidable aspects of the human (and lawyer) experience. Seeking support in times of trouble is not a sign of weakness and discriminating against those who do seek support only serves to weaken the profession.

The exercise at the retreat caused me to consider how my own worst and most unpleasant experiences have unquestionably made me a better lawyer.² As a divorce and custody litigator, my own losses and challenges in life have helped me better understand and appreciate the trauma my clients have suffered in their losses of marriage, of financial security, of partnership, of love, of time with their children, and every other permutation of loss.

Building better understanding and appreciation creates greater capacity for empa-

thy and inevitably leads to a better ability to communicate my advice and counsel to my clients. It is not enough to know the right advice to give. It is not enough to know when to make a concession and when to hold the line. Lawyers must be able to communicate that knowledge to clients who are suffering and who cannot see their own position remotely objectively. Hearing is not the same as listening. If we cannot effectively listen to our clients, then they will not be able to listen to us and our advice. These principles transcend family law. Whether it is a divorce, a business-divorce, an eviction, a bankruptcy, a crime, an injury, a battle over intellectual property, or a prospective contract, lawyering is fundamentally about conflict resolution and anticipation of future conflict.

It was uplifting to see so many senior members of the CBA support one another through such personal vulnerabilities at a professional event. At the risk of repetition in my articles, it is critically important to professionalism that we personally engage our colleagues and build relationships outside of the courtroom. It takes us out of the crucible of conflict and forces us to recognize our commonalities. Whenever I find myself at a well-organized and valuable yet sparsely attended bar association event, I fear for our professional future.

This is my last column as chair of the Young Lawyers Section. As with many other challenges I have taken on, serving in this ca-

capacity has made me a better lawyer. I find it hard to believe, but this June, I will attend my 10th YLS leadership retreat.³ Over the course of my time on the YLS I have been fortunate enough to ask a question of Justice Ruth Bader Ginsberg⁴ as well as watch her give an impassioned dissent from the bench. The YLS has hosted numerous judges from our superior court all the way up through both the Connecticut and United States Supreme Courts. The YLS has hosted former FBI counterintelligence agents, attorneys general, the founders of the Innocence Project, all manner of politicians, and on and on. I have had the good fortune to moderate and present on panels in my field of family law. I have received more hours of continuing education than I can count. I have participated in a diverse array of pro bono and public service projects from serving soup to donating suits and, invariably, I have gotten more out of

the efforts than I put into them. I have had the privilege of introducing my colleagues for awards and honors that were well deserved. I have formed many close friendships with talented young lawyers who are dedicated to the profession and generous with their time. Among their numbers, I can safely say, are future (and in some cases present) judges, justices, partners at respected law firms, politicians, and other public servants.

Serving on the YLS executive committee for the last decade has been one of the most valuable formative experiences of my (admittedly relatively young) career. I want to issue heartfelt thanks to all of those that have helped me with the YLS through the years. The YLS is a tremendous community. Young lawyers: please get involved with the YLS, build a professional support network of future leaders

for yourself, and help keep the YLS and the CBA going strong in the process. The incoming chair of the YLS is Amanda Schreiber. She is a talented lawyer and leader and I have tremendous confidence in her to do a better job than her predecessor. ■

Notes

1. Except the sand. That will come back with you.
2. To quote the immortal Calvin and Hobbes: "It builds character."
3. I visualize many more senior readers rolling their eyes at my account of the years that have passed. It is axiomatic that, no matter how old you are, it is always the oldest you have ever been, and therefore always surprising and noteworthy to you, even while your age and experience may be simply mundane to others.
4. We discussed Stephen Colbert. I had not planned or expected to meet Justice Ginsberg that day, and there was a lull in the discussion after which I feared the justice would leave, so do not judge my lack of a prepared legal question too harshly. Justice Ginsberg explained to me that Mr. Colbert "does his pushups from his knees, but he is a very funny man."



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