

Together

By CECIL J. THOMAS

I was 15 years old when I decided that I wanted to become a lawyer. My decision caused some consternation in my family. No other member of my immediate or extended family had entered the profession. I was born in Cambridge, MA, and our community of Indian American immigrants, hailing from Kerala, India and settled all over the country, was a big part of the fabric of my upbringing. Lawyers were, at the time, still very rare within that community. Upon announcing my decision, I found myself in a conversation with my grandmother, calling on a poor telephone connection from India, who urged me to reconsider and choose a different profession. She feared that my chosen profession would be inconsistent with our family traditions, faith, and values. Assurances given in that conversation, many years ago, still guide my path today.¹

Among all of those early conversations with family and friends, I also remember one other conversation very vividly. A close friend of my parents' was enthusiastic about lawyers and the practice of law, and expressed joy at my youthful aspirations. He shared that lawyers referred to each other as brothers and sisters of the bar, and spoke of the profession's commitment to ethics, integrity, cohesion, and camaraderie. That conversation has stayed with me, and my experience as a lawyer and as a proud member of the Connecticut Bar Association have confirmed those statements to be true many times over. While the tradition of referring to each other as brothers and sisters of the bar has perhaps faded, we are, in our own way, a family. We have taken the same oaths, are

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bound by the same code of ethics, and are committed in service to our clients. We are all, as attorneys, “a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”² It is for us to find and work together upon that immense common ground, and in so doing, advance the vital purposes of the Connecticut Bar Association³ amidst these incredibly difficult times.

Over the past 18 months, the COVID-19 pandemic has brought about unprecedented change and new challenges to this organization, to our members, to the profession, and to society around us. As lawyers, we have had to face an ever changing “new normal” that has impacted our practices; forced us to embrace new technology; isolated us from those who are dearest to us; and brought loss, fear, and grief to so many. We have all been forced to juggle our various personal and professional responsibilities even more precariously, as the lines between those worlds have become increasingly blurred. Our own cares and worries are amplified by those of our clients, which

we bear also, and the unsettling lack of certainty in an increasingly uncertain and ever-changing world. This pandemic has not affected all of us, or the world around us, in equal measure, and we have borne witness, during these troubling times, to great social unrest, humanitarian crises, social injustice, and devastating attacks on the rule of law.

Perhaps both hope and solutions for the present and future lie, at least in part, in an examination of our history. Alexis DeTocqueville, in his study of Americans and our democracy, noted our tendency to balance self-interest with common interest, which he called “the principle of interest, rightly understood.” “[A]n enlightened regard for themselves” he wrote, “constantly prompts them to assist each other...”⁴ This goal, in DeTocqueville’s observations, was accomplished by individual “daily small acts of self-denial” effectuated for the common good.⁵ DeTocqueville, as highlighted in the opening quote of this article, also noted our particular American inclination to advance our common interests through associations. As we consider the long his-

In their political associations, the Americans of all conditions, minds, and ages, daily acquire a general taste for association, and grow accustomed to the use of it. There they meet together in large numbers, they converse, they listen to each other, and they are mutually stimulated to all sorts of undertakings. They afterwards transfer to civil life the notions they have thus acquired, and make them subservient to a thousand purposes. Thus it is by the enjoyment of a dangerous freedom that the Americans learn the art of rendering the dangers of freedom less formidable.

—Alexis de Tocqueville, *Democracy in America*, Vol. 2, Ch. 7 (1840)

tory of the CBA, and its potential to address the issues and challenges of today, our organization and its work take on new importance. In the work of our sections, committees, and task forces; our debates; our projects and initiatives; and all of our collective efforts on behalf of the profession and society, we practice everyday democracy, and preserve the strength of our community and society. In this, we strive to balance “I” with “We,” and model the type of civic engagement and association that has always defined our identity as Americans.

During my installation, on June 15, 2021, I announced the theme for this bar year: “Together for Justice, Together for Equity, Together in Service.” Exactly 146 years before that date, on June 15, 1875, a group of 58 lawyers joined together to found the State Bar Association of Connecticut,⁶ and adopted its first Constitution.⁷ In the years that followed, the organization grew to about 200 lawyers, and held at that level, admitting no more than seven attorneys in any given year during the next few decades.⁸ The CBA’s founding leaders, in particular Simeon E. Baldwin, joined a group of 75 lawyers three years later, in Saratoga, NY, to found the American Bar Association.⁹ This was an age of bar association founding,¹⁰ with many bar associations springing up across the country, driven by a desire to increase professionalism; standardize the law, legal education, and bar admission criteria; and provide opportunity for social engagement.

This associational movement for our profession was mirrored in American society. Professor Robert Putnam, who has studied and written about the ebbs and flows of civic engagement and membership organizations, reveals that “half of all the largest mass membership organizations in American history—the fifty-eight national voluntary organizations that ever enrolled at least 1 percent of the adult male or female population—were founded in the decades between 1870 and 1920.”¹¹ It is impossible to disregard the context within which these organizations were founded. This was the Gilded Age, a time that is often compared by historians to our present day,¹² featuring great polarization and division, nativism and rampant inequality, challenges to the rule of law, and the untimely demise of Reconstruction, with all of its unfulfilled promises. Early efforts to guarantee civil rights and protect individuals from discrimination were struck down by the U.S. Supreme Court in *The Civil Rights Cases* in 1883.¹³ In 1896, *Plessy v. Ferguson*¹⁴ provided constitutional sanction to segregation with the doctrine of “separate but equal.”

What happened in the following decades? Civic associations grew and became more influential, as American society reached a “togetherness” peak in the 1960s.¹⁵ This sense of togetherness was not universal, as historically excluded groups and people continued to fight for equal rights and meaningful inclusion, as they do today. The lessons that we can draw from this “I-we-I” century, as Putnam calls it,

present great potential and hope for the future, if we can commit to a collective course. Within the past century, we have joined together to advance greater equality and community, while also increasing opportunities for economic growth and advancement for many. In doing so in the past, however:

...we didn’t set our sights high enough for what the ‘we’ could really be, and we didn’t take seriously enough the challenge of full inclusion. Therefore, the question we face today is not whether we can or should turn back the tide of history, but whether we can resurrect the earlier communitarian virtues in a way that does not reverse the progress we’ve made in terms of individual liberties. Both values are American, and we require balance and integration of both.¹⁶

The CBA’s organizational trajectory has tracked some of the trends of other civic associations, but in some very positive ways, also differs. We have, for the last ten years, maintained strong and consistent membership levels. At its founding in 1875, the CBA featured just four committees. Today, the CBA has over 70 sections and committees, and the scope and scale of our initiatives, drawing upon the selfless commitment of countless volunteers, is continuously inspiring to me. Just as our profession has led in other moments of great difficulty in this coun-

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President's Message

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try, drawing together as “We the People” to advance the highest ideals of equality, freedom, justice, and the rule of law, this moment, with all of its difficulties, gives us the opportunity to do so again.

I am incredibly honored to serve as the 98th president of the Connecticut Bar Association. I am intensely aware of the challenges facing us, arising in the world around us, threatening the most vulnerable among us and the pillars of society that we are sworn to uphold. But I believe in this profession and our bar association, in our collective potential to care for each other, and to advance and uphold the ideals and principles that we have aspired to in this country since its founding. In this, our path and purpose as a bar association is clear. In this, we must set our common resolve. In this, we must stand and work: Together. ■

NOTES

1. My family's initial fears and concerns were tied to the uncertainty of the unknown, and the worries that all parents have when considering a child's future. They have long since come to celebrate and take pride in my chosen profession and in particular in my work as a legal aid lawyer. Shortly after my admission as a lawyer, I was able to visit my grandmother in India for the last time, who beamed with pride at my early accomplish-

ments and chosen career, and set me off with the love, blessings, and encouragement that only a grandmother can provide. I write this footnote in particular because my mother will likely read this someday, and will want to ensure a complete and correct record. I hope this footnote will suffice, although she may insist on her own column in the *CT Lawyer*. Like many lawyers, I am often reminded that some of the earliest indications of my future career were exhibited in childhood and teenage arguments, from which there were rarely judgments in my favor, and no appeals.

2. Connecticut Rules of Professional Conduct, Preamble (2021).
3. Our organization's stated purposes are broad, and are addressed to the needs of our members, the profession, and to society as a whole. See, The Constitution of the Connecticut Bar Association, Inc., Article II, Purpose. https://www.ctbar.org/docs/default-source/resources/cba-constitution-by-laws-and-procedures_7-31-18.pdf.
4. Alexis de Tocqueville, *Democracy in America*, Vol. 2, Ch. 8 (1840).
5. Alexis de Tocqueville, *Democracy in America*, Vol. 2, Ch. 8 (1840).
6. Records of the State Bar Association of Connecticut, 1875-1910 p. 1-4; “A History of the First One Hundred Years of the Connecticut Bar Association 1875-1975,” 49 *Connecticut Bar Journal* 2, p. 203-226 (June 1975).
7. The CBA's 1875 constitution provided as follows:

The Association is established to uphold and improve the standard of professional qualifications; to maintain the honor and dignity of the profession of law; to aid all proper measures for the improvement of the jurisprudence of the state, the organization of Courts and mode of practice, and to promote social

intercourse among its members.

Records of the State Bar Association of Connecticut, 1875-1910, p. 5. The core of our constitutional mission remains much the same today. See note 3, above.

8. “A History of the First One Hundred Years of the Connecticut Bar Association 1875-1975,” 49 *Connecticut Bar Journal* 2, p. 203-226 (June 1975); See also, Lawrence M. Friedman, *A History of American Law (4th Edition)* Oxford University Press (2019), p. 635, (“With few exceptions, state and city bar associations were not open to everybody; they did not invite the bar as a whole, but sent out feelers to a select group, the ‘decent part’ of the bar.”)
9. *Id.* at 202-204, Friedman, p. 695.
10. See Friedman, p. 635, “Between 1870 and 1878, eight city and eight state bar associations were founded in twelve different states.”
11. Robert D. Putnam, *The Upswing: How America Came Together a Century Ago and How We Can Do It Again*, Simon & Schuster (2020), p. 112.
12. *Id.* at p. 8
...the United States in the 1870s, 1880s and 1890s was startlingly similar to today. Inequality, political polarization, social dislocation, and cultural narcissism prevailed—all accompanied, as they are now, by unprecedented technological advances, prosperity, and material well-being... Looking back to a time Mark Twain disparagingly called the Gilded Age turns out to feel eerily like looking in the mirror.
13. *The Civil Rights Cases*, 109 U.S. 3 (1883)
14. *Plessy v. Ferguson*, 163 U.S. 537 (1896)
15. See generally, Robert D. Putnam, *The Upswing: How America Came Together a Century Ago and How We Can Do It Again*, Simon & Schuster (2020).
16. *Id.* at p. 341

Pro Bono

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dent, that the New London crew made it a monthly event! Every month has been successful and satisfying for our CBA participants with at least two meetings turning into paying clients. Library Director Thomas said, “The Public Library of New London is so grateful to be partnering with the CBA to offer the community the monthly Pro Bono Lawyers in Libraries Program. Simply referring our patrons to a book or legal website for their problems just isn't enough.”

I am pleased to announce that Norwich Public Library joined the program in September and Kyle Labuff is connecting

with Danbury and Litchfield to get those cities on board—let's keep the momentum going by adding additional libraries and fill up the map! Contact myself at djh@horganlawoffice.com or Kyle at kjlabuff@gmail.com if you wish to participate in your town and/or bring another public library on board. Remember senior partners/colleagues, pro bono programs like these help younger lawyers gain experience and build their skillsets—something that the old short calendar call use to do. For senior lawyers like myself, it is a way to connect with younger lawyers as we often have a beverage of our choice following the sessions. As Kyle knows, this program is a perfect opportunity for

young lawyers to get involved with pro bono work. To learn more about this program, turn to page 16 for an interview with Kyle LaBuff.

The CBA continues to lead the way with so many opportunities to provide much needed Pro Bono services—YES, we all have some time to squeeze in pro bono services. Oh, by the way, I am the new chair of the Pro Bono Committee and honored to follow in Cecil Thomas' footsteps. I look forward to working with all the committee members to help pro bono participation expand. Cheers to a successful and rewarding Pro Bono 2021-22 Year! ■