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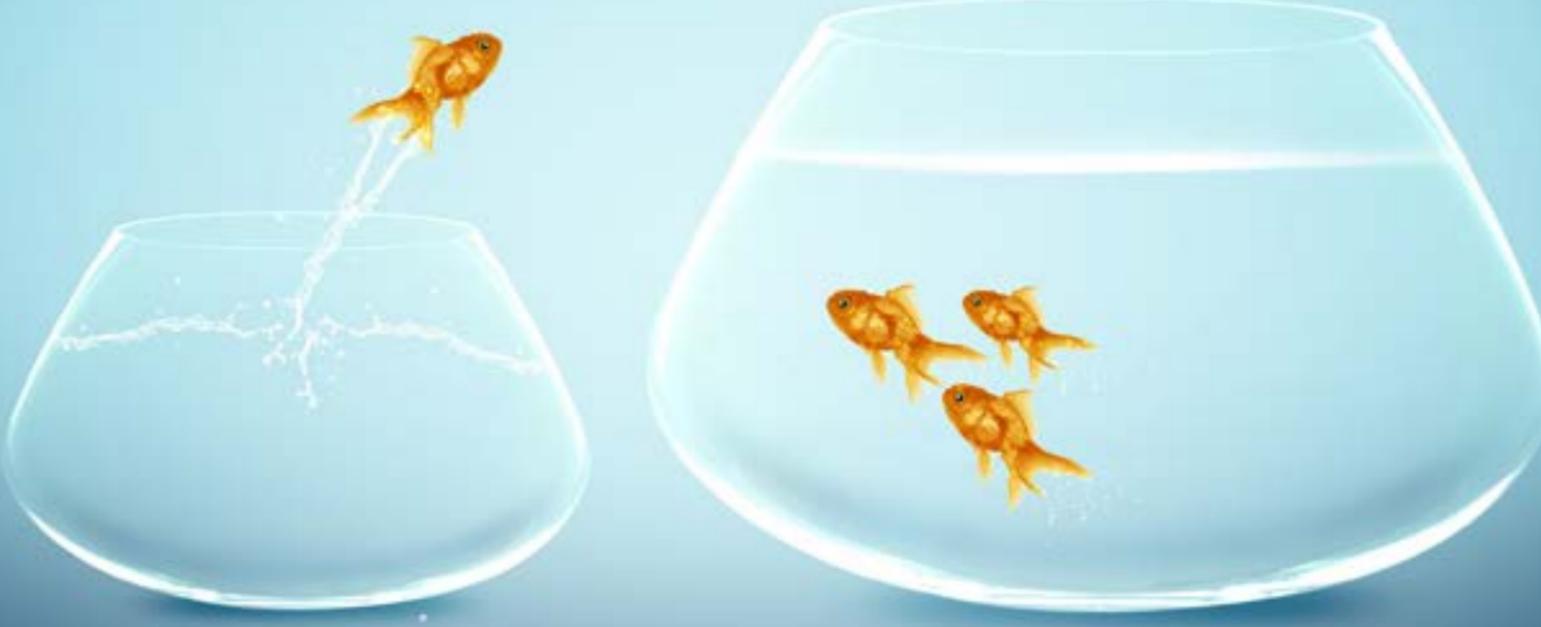
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The Rule of Law Begins with Us

By EMILY A. GIANQUINTO

This column was supposed to be a celebration of the community service initiative we've undertaken this bar year. Through quarterly events, we have engaged members in cleaning up a park and planting spring flower bulbs, sorting food at our state's largest food pantry, providing legal advice to members of the public at local libraries, creating bags of toiletries and warm clothing for the unhoused in two of our cities, and serving food in those same parks. It's good work. Important work. Work that has brought our members and some of their friends and families together in a different way and is connecting us to our larger communities. It's exactly the kind of new project I hoped to start this year, and I'm excited to see how it grows. I'm even scheduled to speak about the initiative at the mid-year meeting of National Conference of Bar Presidents in early February, with the hope that more associations might try similar initiatives to bring together their members.

But I couldn't finish writing that column, because I find myself unable to ignore recent events in Minnesota.

We've all seen the news reports, and probably the social media posts and clips that include bystander videos and commentary. Some of us have family or friends living in the area. Maybe, like me, you are connected to Minnesota lawyers on social media platforms or became friendly with them at national bar association meetings. But no matter how you heard about the federal government's dramatic ramp up of immigration en-

forcement in the state and the resulting resistance, the situation was a test of our system of government even before the deaths we all witnessed in January.

These events have, for me, highlighted exactly what is at stake not just for our profession but for our democracy right now. The foundational principle that both lawyers and non-lawyers should hold dear—the rule of law—is under attack in a new way. Every report I read just enforces that reality for me: The tension between state, federal, and even local authorities. The flurry of court filings not only on behalf of those detained (both non-citizen and citizen alike) but also on behalf of cities and states. The court orders being issued and seemingly ignored.

As lawyers, we are trained to view these events not merely as headlines, but through the lens of legal norms: Due process, separation of powers, accountability under law, adherence to precedent, and transparency in enforcement.

Emily A. Gianquinto is the CBA's 102nd president. Attorney Gianquinto is special counsel at McCarter & English LLP, where she counsels employers on day-to-day employment matters and represents them before federal and state courts, administrative agencies, and mediation and arbitration panels. Her experience includes litigating all manner of business disputes.



But in moments like this, when the letter and spirit of those norms are fiercely contested in the public square, we must reflect on what upholding the rule of law truly means. It's not just about the strength and integrity of our institutions and systems. It's about the human and communal consequences when they break down.

What happens when our system of checks and balances is this stressed? Where can we turn to repair what's broken and rebuild what's broken?

The answer is: To each other. To our communities.

That's what I've seen in Minnesota. Neighbors standing up for each other. Watching out for each other. Organizing mutual aid to deliver food and supplies. Alerting people to dangerous situations with whistles, horns, and messages on various apps. Marching in the street by the thousands. Recording interactions with masked men who carry weapons suited to war zones, not city

streets in peacetime. Assisting strangers who are pushed to the ground, tear gassed, and worse. All in frigid weather.

"Community strength and connectedness is not separate from the rule of law—it is foundational to the rule of law. Community connection and service are not ancillary to our legal duties—they are central to them. That's why it's so important that we as lawyers don't only interact with and talk with other lawyers and judges about the rule of law. We need to engage in these discussions not only with statutes and case law but with compassion, presence, and sustained dialogue."

The stories were similar in Oregon last fall. There, under what appeared to be a somewhat lesser show of force by immigration enforcement officials, people engaged in many of the same activities. But they also showed up in inflatable costumes of frogs and other animals. They sang songs and handed out flowers. They worked together in resisting.

These efforts are having an impact. The strength of the bonds between individual community members is holding up where the strength of our institutions is faltering. It's filling the gaps in the foundation of our society.

As lawyers, we often speak, and probably think, about the rule of law in an abstract, doctrinal sense. It's a lofty principle, a noble precedent (or a collection of the same). It's about "THE LAW," all caps, and not about "the people," small caps.

But I've started to think about the rule of law as simply being about people. Full stop. Because there is no rule of

law without common purpose. Without trust. Without individuals standing up to protect our norms and institutions. I attribute a lot of the damage to the

rule of law in recent years as the result of weakened individual relationships, and consequently, weakened community bonds. It's easier to see each other as enemies, as competition for resources, as "less than," if we don't know each other. It's easier to dismiss the systems that keep our society running if we don't know the people responsible for doing that work.

Community strength is not separate from the rule of law—it is foundational to the rule of law. Community connection and service are not ancillary to our legal duties—they are central to them. That's why it's so important that we as lawyers don't only interact with and talk with other lawyers and judges about the rule of law. We need to engage in these discussions not only with statutes and case law but with real-world experience and practical, concrete examples. That requires us to be present in our communities.

Connection, whether to our neighbors, to individuals currently living in

fear of detention or arrest, or to institutions strained by conflict, fosters understanding of how the law operates in real lives. As lawyers, we have a unique opportunity to bridge the gap between legal structures and broader community well-being. When we serve our community, whether by providing pro bono services or facilitating access to justice for vulnerable populations, supporting civic education efforts, or volunteering for charitable organizations, we reinforce the system that defines our professional identity and responsibility.

I ask that you all keep this in mind in the coming days, months, and years. Embed service into your professional calling. Sign up for CBA community service events and send us your suggestions for service opportunities that are in your own communities. Volunteer for CBA pro bono programs. Judge a mock trial competition. Help us celebrate the 250th anniversary of the Declaration of Independence. Check out similar offerings from our affinity and local bar associations. Serve on your local boards of education and town councils. Attend community events, rallies, and remembrances. Attend public meetings. Speak out in support of our court systems and those who serve them.

Together, through service and connection, we can reaffirm faith in the law—not as a distant ideal, but as a shared foundation for a just and cohesive society.

This spring, we will publish a standalone issue of *CT Lawyer*, which will be dedicated to essays about the importance of the rule of law. We have invited people from a broad range of experiences—current and former bar leaders, current and former judges, community leaders, immigration advocates, political leaders from both sides of the aisle, educational partners, and more—to submit their thoughts on the meaning of the rule of law and why it matters. If you are interested in contributing, please contact Alysha Adamo at aadam@ctbar.org. ■

News & Events

New Attorneys Sworn into the Connecticut Bar on November 14, 2025

Over the course of two ceremonies held on November 14, a group of 164 new attorneys were sworn into the Connecticut Bar inside the Museum of Connecticut History in the Connecticut Supreme Court Building. Connecticut Supreme Court Chief Justice Raheem L. Mullins and Associate Justices William H. Bright, Jr.; Nora R. Dannehy; Gregory T. D'Auria; Steven D. Ecker; and Andrew J. McDonald presided over the ceremony.

Chief Justice Mullins provided the ceremonies' welcome remarks before Associate Justice William H. Bright, Jr. gave a speech recognizing and congratulating the new admittees on their notable achievement. During his speech, Justice Bright addressed the new admittees, stating, "I ask you to be vigilant in the protection of your profession, the rule of law, and our democracy. The reliability of the profession you're entering today depends on a functioning legal system, which in turn, depends on you as its primary defenders."

After the motion to admit the successful candidates to the bar, Senior Associate Justice Andrew J. McDonald administered the Oath



CBA President Emily A. Gianquinto provided welcome remarks to the newly admitted attorneys.



(From L to R) Jaeden C. Spitale, Jeffrey Hiser, CBA YLS Chair Paige M. Vaillancourt, Nicholas Russell, CBA Executive Director Lina Lee



(From L to R) CBA President Emily A. Gianquinto, CBA YLS Chair Paige M. Vaillancourt, Alison Toumekian, Rosemund Haseltine



New admittees networked with each other and CBA leaders at the New Admittee Reception on November 20.

News & Events

of Attorney to the new admittees, and Connecticut Supreme Court Chief Clerk Carl Cicchetti administered the Oath of Commissioner of Superior Court. Then each inductee individually presented themselves as attorneys before the court. During the final portion of the ceremony, CBA President Emily A. Gianquinto presented a welcome speech to the new attorneys. During this speech she noted that, "Being a professional is not simply about knowing the law. It's about living the law, living it with honesty, and living it with humility."

Following the admission of the new attorneys, all the event's attendees were invited to a reception held in the Connecticut State Capitol, where they were able to meet with representatives from the Connecticut Bar Association Young Lawyers Section and other bar associations from across Connecticut. The newly inducted attorneys were also invited to attend an evening welcome reception held by the CBA at Gouveia Vineyard in Wallingford on November 20. Those who joined for the reception were able to meet with CBA leaders and network with fellow new admittees while enjoying wine and charcuterie at the vineyard. ■



New admittees gathered in the Museum of Connecticut History during two swearing-in ceremonies.

CBA Young Lawyers Section and CTCPCAs Collaborate on Holiday Season Day of Giving

On Tuesday, December 2, The Connecticut Bar Association's (CBA) Young Lawyers Section (YLS) joined together with the Connecticut Society of Certified Public Accountants (CTCPA) to host a new collaborative Day of Giving benefiting Connecticut Foodshare and the Connecticut Children's Medical Center.

Throughout November members of the YLS and CTCPA were invited to contribute online monetary donations to CT Foodshare and organize donation collections of new toys at their firms for CT Children's Medical Center. On the morning of the day of the event, volunteers from YLS and CTCPA collected the donated toys at a drive-through drop-off station located at ADNET Technologies offices in Rocky Hill. The collaborative event resulted in \$13,085 raised for CT Foodshare and nearly 1,000 new toys collected for patients at Connecticut Children's Medical Center, providing critical support to

families in need during the holiday season.

"Despite the snow and rain, Young Lawyers Section Executive Committee (YLS EC) members Kevin Brignole, Maxélie Neufville, Jacqueline Bashaw Fairweather and Olivia Benson withstood the weather with me to make this event a success," stated CBA YLS Chair Paige M. Vaillancourt. "YLS EC member Anne Nye was instrumental in setting up this collaboration with the CTCPCAs, which we plan to make an annual event going forward."

This event highlighted the CBA Young Lawyers Section's ongoing commitment to service and collaboration and provided a unique opportunity for YLS members to connect with young professionals from other disciplines.



Members of the Connecticut Bar Association Young Lawyers Section and Connecticut Society of Certified Public Accountants collected the donated toys at a drive-through drop-off station located at ADNET Technologies offices in Rocky Hill

CBA Seeks Donations for Legal Resources Lending Library

The Connecticut Bar Association (CBA) is proud to announce the launch of a new Legal Resources Lending Library for CBA members. This initiative is designed to expand access to essential legal resources for practitioners who may not otherwise have ready access to up-to-date materials.

To help build this collection, the CBA is seeking donations of hard copy legal resource materials that members are willing to part with. Donated materials should have been published within the last five years to ensure the library remains current and useful.

More information on lending will become available as materials are collected.

Please donate hard copy legal resource materials at any of the following locations:

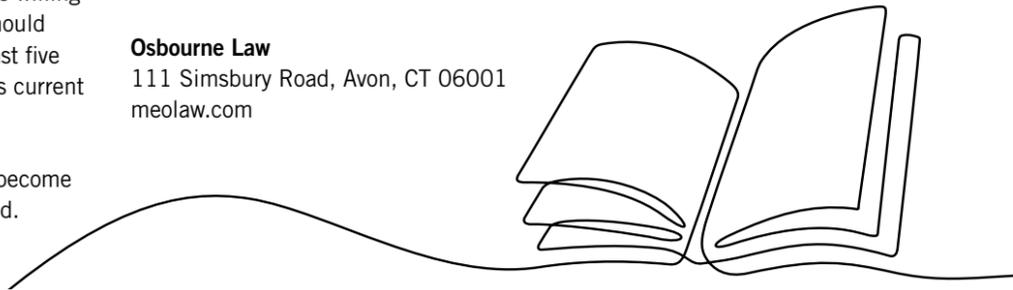
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BEST PLACES TO WORK IN CONNECTICUT 2024 AWARDS



CBA Hosts 2025 Presidential Fellows Dinner

On December 10, the annual CBA Presidential Fellows Dinner took place at Grassy Hill Country Club in Orange, where Association leaders and past fellows introduced and discussed the program with the current class of fellows.

This event began with CBA Presidential Fellows Committee Chair Kyle LaBuff introducing this year’s new class of fellows:

Shivangi Bhatia, Cowdery Murphy & Healy LLC

Caroline Boisvert, Axinn Veltrop & Harkrider LLP

Raynald A. Carre, Jr., Connecticut Division of Criminal Justice

Keziah Colleton, Launchbird Legal

Megan DeFrank, Morrison Mahoney LLP

Emmett Gilles, Wiggin and Dana LLP

Margaret Murolo, Sousa Law

Catherine Young, Goldberg Segalla LLP

While enjoying dinner, the fellows and other attendees listened to a panel presentation moderated by Attorney LaBuff, which featured current CBA President Emily A. Gianquinto and past CBA Presidents Judge Ndidi Moses and Daniel J. Horgan. Each of the panelists discussed their experiences with the CBA leading up to and during their presidencies, providing examples of paths to the CBA Presidency for the attending fellows. Judge Moses and Attorney Horgan also discussed their continued involvements with the CBA following the end of their presidential terms. When asked how she prepared for the nomination and interview process for the presidency, Attorney Gianquinto noted “I talked about my experience at the CBA and why I loved the CBA and some things that I thought deserved attention or that I might focus on during my presidency.”

The CBA Presidential Fellows Program was launched in 2015 as a prestigious leadership development program for the future leaders of the Connecticut legal profession. New Presidential Fellows are selected each year and assigned to the executive committee of a sponsoring CBA section. Graduates of the program have gone on to hold prominent leadership positions within the Connecticut Bar Association and the Connecticut legal community at large.



The 2025-2027 CBA Presidential Fellows (L to R): Raynald A. Carre, Jr.; Megan DeFrank; Catherine Young; Shivangi Bhatia; Caroline Boisvert; Margaret Murolo; Keziah Colleton (Not Pictured: Emmett Gilles)

CBA Hosts Day of Service with Food4Lives

On December 21, volunteers from the Connecticut Bar Association (CBA) gathered at Barnard Park in Hartford for a Day of Service in partnership with Food4Lives, a nonprofit organization dedicated to serving unhoused and underserved individuals. CBA members and community volunteers distributed vegetarian meals, winter clothing, and essential toiletries to individuals experiencing food and financial insecurity, offering them both practical support and personal connection during the holiday season. In the weeks leading up to the Day of Service, the CBA encouraged members to donate toiletries and winter clothing to be distributed at the event. This Day of Service was part of the CBA's ongoing commitment to community service and is aligned with the association's 150 Minutes of Service Pledge, which encourages members to give back to their communities through volunteer efforts.

In preparation for the event, on December 18 volunteers gathered at the CBA's Meriden office to organize donated items into care packages. In total, over 200 care packages were assembled that included towels, hats, gloves, neck warmers, socks, winter jackets, and emergency blanket packs, along with critical personal-care items such as antibiotic ointment, shaving kits, sanitary items, lip balm, toilet paper, toothpaste and toothbrushes, and hand lotion. Volunteers were also encouraged to prepare and contribute vegetarian dishes, helping to feed those in need. Throughout the afternoon of December 21, CBA volunteers worked side by side to distribute the meals they made and the care packages, reinforcing the spirit of generosity and compassion which defines the holiday season.

The success of the event was made possible through the generosity of the individuals and organizations that donated items as well as the volunteers who participated on December 18 and 21. Donations

and contributions were provided by the following individuals and firms: Vanessa Avery, CBA President Emily Gianquinto, Jeffrey Gentes, CBA Director of Continuing Legal Education and Section Programming Tom Genung, Alan Harrison, Clarie Howard, McCarter & English LLP, Norte Immigration Law, Matthew Popilowski, Scott Schwefel, and Wiggin and Dana. CBA Volunteers who participated in the care package packing and the Food4Lives Day of Service included Alyssa Bredefeld, Elizabeth Bredefeld, Michael Bredefeld, Kayla Briere, past CBA President Maggie Castinado, Barbara Collins, CBA President Emily A. Gianquinto, Cynthia Griffin, Monika Gradzki, Maria Morelli-Wolfe, and Scott Schwefel.



CBA volunteers joined Food4Lives to provide vegetarian meals, winter clothing, and essential toiletries to those in need in Hartford's Barnard Park during the Day of Service.

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"This Day of Service reflects the Connecticut Bar Association's commitment to serving our communities beyond the practice of law," said CBA President Emily A. Gianquinto. "By coming together to prepare meals, assemble care packages, and spend time with our neighbors in need, our members have demonstrated the compassion, generosity, and leadership that should define our association and profession." The CBA thanks everyone who contributed to this event and helped ensure its success.



Volunteers gathered at the CBA's Meriden office on December 18 to organize donated items into care packages in preparation for the Day of Service held on December 21.

IN MEMORIAM



Hon. John D. Boland (June 8, 1948 - October 10, 2025) was born in Carbondale, Pennsylvania, and raised in Stamford. He later

made Pomfret his home for nearly five decades. After earning his Juris Doctor from Georgetown University, he practiced general law for 27 years in northeast Connecticut, serving as town attorney for several municipalities and earning a reputation for skillful advocacy and effective mediation. In 2004, he was appointed to the Connecticut Superior Court, where he served with distinction, presiding over cases in family, criminal, juvenile, and civil matters until his retirement in 2020.



Theodore "Teddy" Harris (November 2, 1949 - October 27, 2025) was a respected Connecticut attorney whose legal career included

decades of service to the Niantic and greater Waterford communities. A graduate of Drexel University, he earned his Juris Doctor with high honors from the University of Connecticut School of Law in 1975 and was admitted to the Connecticut Bar that year. After beginning his practice as an associate at Shea Stevens, he became a partner in 1982 at Shea

Stevens & Harris, later Stevens Harris & Guernsey. His practice was concentrated in residential and commercial real estate and planning and zoning law, playing a central role in securing approvals for numerous significant local developments.



Alvin Rosenbaum (July 2, 1930 - December 16, 2025) was a longtime Waterbury attorney whose legal career reflected more than

five decades of service to the community. After earning degrees from the University of Connecticut and the University of Hartford, he received his Juris Doctor from Boston University School of Law. He practiced law in Waterbury for 52 years and was an active member of both the Connecticut Bar Association and the Waterbury Bar Association as well as a proud United States Army veteran who served abroad in Japan.



Hon. Carl E. Taylor (July 21, 1956 - October 1, 2025) was a dedicated public servant whose legal career spanned more than

four decades in Connecticut's criminal and juvenile courts. A graduate of the University of Connecticut School of Law,

he began his work in public service as an assistant state's attorney in New Britain and Hartford, where he served for 19 years. Appointed to the Superior Court in 2001, he went on to serve as a judge in numerous judicial districts across the state. Throughout 24 years on the bench, Judge Taylor was widely respected for his measured approach, professionalism, and commitment to justice.



Bronislaw Winnick (December 21, 1923 - December 15, 2025) was born and raised in Shelton. He earned an accounting degree from the University of Connecticut before acquiring his Juris Doctor from the University of Connecticut School of Law in 1951. He practiced at the firm of Winnick Vine Welch & Teodosio until retirement and was deeply involved in the Connecticut Bar Association. He held various leadership roles within the CBA including treasurer; member of the Board of Governors and House of Delegates; and chair of the Unauthorized Practice of Law, Judiciary, and Standards of Title Committees. He served as prosecutor in municipal and circuit courts, as a magistrate in the Connecticut Superior Court, and as general counsel for Derby Savings Bank.

Six Impactful Connecticut Supreme Court Decisions in 2025

By KENNETH J. BARTSCHI

Some years, our Supreme Court decides landmark cases that garner headlines for their impact on society, such as *State v. Santiago*¹ (holding the death penalty unconstitutional under the state constitution), *Kerrigan v. Commissioner of Public Health*² (holding that same-sex couples have a right to marry under the state constitution), or *Sheff v. O'Neill*³ (holding that de facto school segregation violates the state constitution). As of mid-November 2025, when this is written, it was a relatively quiet year in this regard. Nevertheless, the Court decided several cases that could have impact beyond the interests of the parties. I will discuss six of those decisions.

Murphy v. Rosen

The first case that comes to mind for 2025 is *Murphy v. Rosen*.⁴ The parties got into a name-calling squabble in the comments section of a town Facebook post concerning the murder of George Floyd. The defendant accused the plaintiff of being a white supremacist, and the plaintiff sued for defamation. The defendant countered with a special motion to dismiss pursuant to the anti-SLAPP suit statute.⁵ The parties stipulated that the defendant was exercising her first amendment rights on an issue of public importance, so the issue turned on whether calling someone a white supremacist, standing alone, was defamatory. The Court concluded that the term, standing alone, was an opinion because

the definition of the term was not precise and because it was incapable of verification as a fact.

Murphy is significant for a couple of reasons. First, given the rough and tumble (to put it politely) of discourse on social media, it is useful to know when, if ever, a defamation suit will lie. The opinion discusses the nuances of the difference between non-actionable opinion and actionable false statements of facts. Second, it is a potent reminder that when bringing an action based on speech or other protected expressive conduct, you could be on the business end of an anti-SLAPP motion to dismiss, which provides for payment of attorney's fees if the case is dismissed. Clients need to consider whether avenging their hurt feelings is worth the risk of paying the offender's attorney's fees under the anti-SLAPP suit statute.

In re Jewelyette M.

The second case on my list is *In re Jewelyette M.*, which requires a bit of background.⁶ Prior to 2001, foster parents had statutory standing in child protection matters "concerning the placement or revocation of commitment of a foster child living with that parent"⁷ during the dispositional phase of child protection proceedings. In 2001, the legislature amended this language to replace "standing" with "the right to be heard."⁸ The Appellate Court subsequently construed this amendment to have eliminated the right of foster par-

ents to seek permissive intervention in such proceedings.⁹

The factual background of *In re Jewelyette M.* is complex. In broad strokes, the Department of Children and Families (DCF) placed Jewelyette with pre-adoptive foster parents shortly after her birth, and her mother's parental rights were terminated. Initially, the permanency plan called for terminating her father's parental rights and adoption by her foster parents. DCF subsequently changed positions and determined that Jewelyette should be reunited with her father and moved to revoke her commitment to DCF. The foster parents intervened and successfully argued that it was in Jewelyette's best interest to remain with them. The Appellate Court released *In re Ryan C.* soon after, and DCF moved successfully to remove the foster parents as intervenors. The foster parents appealed and filed a writ of error from the subsequent hearing on a new motion to revoke the commitment.

The Court concluded that the 2001 amendment, which eliminated foster-parent standing, did not preclude foster parents from seeking permissive intervention. The Court further delineated the scope of the "right to be heard" provision of General Statutes § 46b-129(p). That right does not include calling or cross-examining witnesses. It does include the right to be present throughout the proceeding and to argue as to the child's best interests.



Image credit: Wangkun Jia | Adobe Stock

Accordingly, *In re Jewelyette* sets an important precedent for the rights of foster parents in the dispositional phases of termination of parental rights proceedings.

D. S. v. D. S.

The third case is *D. S. v. D. S.*¹⁰ The primary issue concerned whether an unfunded retirement benefit could be treated as marital property for purposes of equitable division of the marital estate where the interest would never vest and could be unilaterally terminated by the employer. The relevant statute¹¹ does not define property for purposes of equitable distribution, leaving the courts to develop the law in this area. Future interests in which a party holds a presently enforceable right, such as vested pensions, are considered marital property, while inchoate interests, such as a potential inheritance, are mere expectancies that are not included in the marital estate. In 2001, the Court in *Bender v.*

*Bender*¹² expanded the definition of marital assets to include those interests that fell short of a presently enforceable right but were sufficiently concrete as a practical matter to constitute a marital asset, concluding in that case that an unvested pension for a firefighter which was six years from vesting could be included in the marital estate.

How *Bender* applies has not always been clear, and *D. S.* addresses some of those concerns. First, the Court clarified that on appeal whether an interest is a marital asset is a mixed question of law subject to plenary review, with the underlying facts subject to clear error review, and the distribution of the interest reviewed for abuse of discretion. The Court next held that when an interest is subject to unilateral revocation, the likelihood of that occurring is relevant to the analysis. Other contingencies such as whether the interest

is funded, transferrable, or negotiable, are also relevant. Based on the unchallenged factual findings, the Court affirmed the trial court's conclusion that the interest was a mere expectancy that should not be treated as a marital asset. The trial court, however, did not ignore the interest, but instead treated it as a future source of income for purposes of alimony.

Family practitioners should read *D. S.* carefully when dealing with interests that have not vested to make the best record possible for including or excluding the interest in the marital estate. Consider too whether the interest can serve as an income source for purposes of alimony.

L. L. v. Newell Brands, Inc.

Next up is *L. L. v. Newell Brands, Inc.*¹³ There, on a question certified from the United States District Court of the District of Connecticut, the Court declined

to recognize a cause of action for loss of filial consortium. The named plaintiff was a baby who was badly burned when she was placed in a car seat next to an electric stove and the seat caught on fire. In the ensuing federal action, her parents claimed loss of filial consortium, and the district court certified the question to the Connecticut Supreme Court.” In our Supreme Court, the parents acknowledged that Connecticut had yet to recognize a cause of action for loss of filial consortium, but argued that *Campos v. Coleman*,¹⁴ which recognized a loss of parental consortium, compelled recognition of their cause of action.

In rejecting the plaintiffs’ claim, the Court distinguished relational interests between loss of filial consortium and loss of parental or spousal consortium. The latter two involve some degree of economic dependence on the person whose loss triggers the claim. Children are dependent on their parents, and spouses are dependent on each other. Because parents generally are not economically dependent on their child, the justification in the other two causes of action was lacking. The Court recognized that the parents experienced “unimaginably devastating” emotional pain because of the injuries to their child, but this was not the type of relational loss addressed by consortium claims.

For practitioners, while it seems that the door has closed on claims for loss of filial consortium, Justice Steven Ecker noted in a short concurrence that other legal theories, which were not pressed in this case, such as bystander emotional distress or negligent infliction of emotional distress, might present a means of compensating parents when their child is seriously injured.

State v. Correa

The next decision on my list is *State v. Correa*,¹⁵ a particularly gruesome murder case where the issue concerned the level of particularity required in a warrant to seize and search a cell phone. The defendant and one of the victims plotted to steal a gun safe from the home of the vic-

tim’s parents in Griswold. The first victim met the defendant and his sister in the defendant’s car, but the victim became “fidgety” and ran away. The defendant pursued him and killed him with a machete. The defendant and his sister went into the house and eventually beat both parents to death, robbed the place, and set it on fire.

Police seized the defendant’s cell phone and obtained a warrant to search all data on it, “including, but not limited to,” a list of specified categories of data such as call logs, texts, contacts, etc. The warrant did not include any time limits on the data searched. The defendant moved to suppress the evidence gathered from his cell phone. The trial court limited the evidence to data between specific dates but otherwise denied the motion to suppress.

The Supreme Court held that the warrant was overly broad for failing to limit the data searched by kind or time. The Court further held that the trial court’s attempt at limiting the evidence to a specific time-period failed to cure the error. Nevertheless, the error was ultimately harmless as the evidence admitted was largely cumulative of other evidence. Given the ubiquity of cell phones and the potential gold mines of information on them, *Correa* serves as a reminder for the need for specificity in crafting warrants pertaining to cell phones and provides criminal defense.

State v. Sharpe

The last case on my list concerns the collection of DNA evidence. In *State v. Sharpe*,¹⁶ the defendant was convicted of multiple counts of kidnapping based on events that occurred over a three-month period in 1984. The defendant entered the homes of four women at night, blindfolded them, restrained them, sexually assaulted them, and robbed them. Because they were blindfolded, none of the victims could identify the assailant. The state collected DNA samples from various items at the women’s residences but was unable to conduct testing at that time. In 2020, a private company provided two leads based on DNA testing. Without obtain-

ing a warrant, the state obtained a belt the defendant discarded in his trash and obtained and tested DNA found on it, which matched the DNA on the crime scenes.

The issue before the Court was whether the defendant had a reasonable expectation of privacy in the DNA that he shed on the belt and whether he had a reasonable expectation of privacy in the identifying characteristics contained in the DNA such that a warrant was not necessary. The Court concluded that society would not recognize a reasonable expectation of privacy in the DNA shed onto the belt, noting that it is commonly known that people cannot prevent their genetic material from shedding and that it is no secret that when discarding a clothing accessory such as a belt it likely contains DNA. The Court further concluded that there is no reasonable expectation of privacy in the identifying information obtained from the DNA, likening that information to fingerprints. Given the uses to which DNA testing may be put, *Sharpe* raises significant privacy concerns. ■

NOTES

- ¹ 318 Conn. 1 (2015).
- ² 289 Conn. 135 (2008).
- ³ 238 Conn. 1 (1996).
- ⁴ 351 Conn. 120 (2025).
- ⁵ CONN. GEN. STAT. § 52-196a.
- ⁶ 351 Conn. 511 (2025).
- ⁷ *Id.* at 530 (quoting CONN. GEN. STAT. § 46b-129(o) (Rev. to 2001)) (internal quotation marks omitted).
- ⁸ *Id.* (citing Conn. Pub. Acts 01-142 § 8).
- ⁹ *In re Ryan C.*, 220 Conn. App. 507, 526, cert. denied, 348 Conn. 901 (2023).
- ¹⁰ 351 Conn. 11 (2025). I represented the defendant. I generally prefer not to discuss my own cases, but I think the importance of the decision to family law warrants an exception.
- ¹¹ CONN. GEN. STAT. § 46b-81.
- ¹² 258 Conn. 733 (2001).
- ¹³ 351 Conn. 262 (2025).
- ¹⁴ 319 Conn. 36 (2015).
- ¹⁵ 353 Conn. 338 (2025).
- ¹⁶ 353 Conn. 364 (2025).

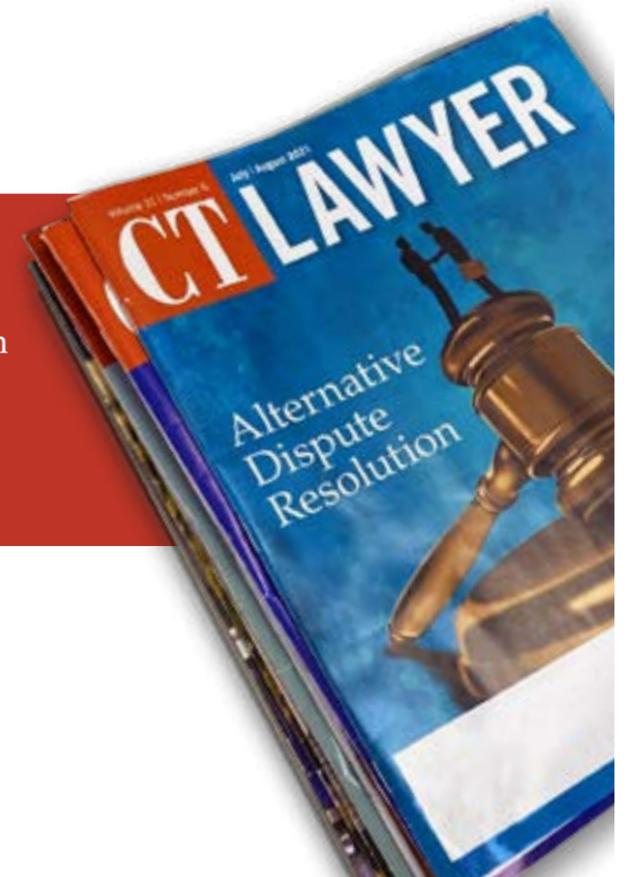
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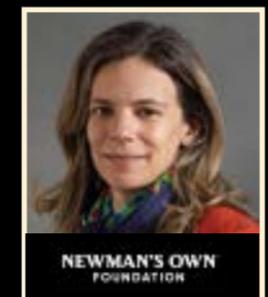
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Lincoln's Family

By HON. HENRY S. COHN

Over the past fifteen years, I have written essays for *CT Lawyer* near Lincoln's birthday on a variety of topics, but almost never on Lincoln's family. This essay, in contrast, gives details, legal and otherwise, relating to Lincoln's family. Much of this story is sad.

The first of Lincoln's ancestors to arrive in America was Samuel Lincoln, who came to Massachusetts in 1637 from England. Lincoln's father, Thomas, ventured west, settling in Kentucky and later Indiana in the early 1800s. He was a farmer and a cabinet maker.

Thomas has received mixed reviews from historians. On the positive side, he struggled to establish successful farms and was active in his church. People enjoyed his telling of stories and jokes. Abraham's frequent telling of "little stories" may be traced to Thomas's practice.

On the negative side, Thomas was not interested in learning and disciplined Abraham as a youth for "too much reading." Abraham did not like being hired out to Thomas's neighbors to work at their farms. According to the Lincoln scholar David Donald, Abraham never spoke a favorable word about his father.

Abraham's mother, Nancy Hanks, was a typical farmer's wife. Abraham remembered her as alert and motivated. In Indiana, where Thomas eventually settled, there was an incurable plague called "milk sickness," which was caused by cows' milk being contaminated after the cows ate milk root. In 1818, when Abraham was nine, his mother, age 34, died of milk sickness.

Thomas and Nancy had three children: Sarah (1807), Abraham (1809), and Thomas, who died in infancy. Dennis Hanks, a cousin of Lincoln's mother, also lived in the household. Though he was ten years older than Abraham, they became close friends.

In 1828, at age 20, Sarah died in childbirth, along with her child. Abraham Lincoln's first biographer, William Herndon, wrote that, on hearing of Sarah's death, Lincoln buried his face in his hands and sobbed.



One year after his wife Nancy died, Thomas Lincoln returned to Kentucky and proposed marriage to Sarah Bush. She and her three children returned to Thomas's Indiana farm.

Abraham Lincoln was pleased to have a mother again, and their relationship lasted for the rest of his life, as she outlived him by four years. Sarah was kindly and brought with her a collection of books that Lincoln could read.

When Lincoln was of age, he settled in New Salem, Illinois. Scholars believe that, in New Salem, he fell in love with another resident, Ann Rutledge, and was hit with severe depression when she died from typhoid fever in 1835.

At New Salem, Lincoln studied on his own for the Illinois bar, passing it in 1836. He took a few cases in New Salem and then moved to Springfield, where he met Mary Todd, whom he married in 1842. Mary was well-educated and witty, eager to push Lincoln to the heights of the political world. On meeting him, she was convinced that he would eventually be president. Unfortunately, she suffered from mental illness, which became worse when she lost three of her children and her husband.

Mary's father, Robert Todd, was one of the richest men in Kentucky. An attorney, he employed Lincoln to handle collection cases in Illinois as well as an important matter involving a land purchase. The land case began when Todd purchased

tracts of land to give to Mary and her siblings.

The land was to be paid for with "specie" or notes drawn on the State Bank of Illinois. These notes were of questionable value, and Todd's seller, Ware, claimed that they were not equivalent to dollars. Todd brought suit to enforce the agreed-upon price with payment by the specie notes.

Todd retained Lincoln to handle the suit, *Todd v. Ware*. Lincoln tried, but failed, to convince the judge that the notes had a value equivalent to dollars. After the judge ruled, Todd made up the difference, paying the balance in dollars. The land was conveyed to him by Ware, and Todd immediately deeded it to his children.

Image credit: Hulton Archive / Stringer / Getty Images

Mary sold her share and used the funds she received to expand the home she and Lincoln had built in Springfield.

The case is significant because in the historic file is an 1844 letter from Todd to his daughter Mary's brother-in-law, Ninian Edwards. The letter states that Todd appreciated Abraham's efforts in the suit, and that he would support any political appointment that arose for Lincoln. Current historians have used this letter to rebut earlier historians' claims that Todd disliked Lincoln as a son-in-law, because of his lowly family background.

Mary and Abraham had four children, but only one reached the age of majority. Edward died in 1859 at age 3, Willie in 1863 at age 11, and Tad in 1871 at age 18. Each death affected Mary's mental health severely. The deaths of Edward and Willie caused tremendous grief for Lincoln too. He was assassinated before Tad died.

Their firstborn, Robert, survived into adulthood, born in 1843 and dying in 1926. Robert graduated from Harvard College and then spent four months at Harvard Law School, before joining the Union Army over Mary's objections, but through Abraham Lincoln's contacts with General Grant. This is a subject treated in Spielberg's Academy Award-winning *Lincoln*.

Robert's fellow students jokingly called him "The Prince of Rails." Robert was present at the Confederate surrender at Appomattox.

Continued on page 36 →



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Mid-Winter Well-Being: Science, Stressors, and Sustainable Strategies

By JOAN REED WILSON AND SARA BONAIUTO

Early February in Connecticut represents a distinct inflection point for well-being. The excitement of the new year has faded, resolution-driven motivation often dips, and the long arc of winter, marked by cold temperatures, limited daylight, and demanding caseloads, can exert real physiological and psychological pressure. For legal professionals, whose work is inherently high-stakes and high-stress, this season presents both risks and opportunities. Understanding the science behind winter's effects and adopting targeted strategies can help attorneys sustain performance while protecting their long-term health.

The Science Behind Winter's Impact Reduced Sunlight and Mood Regulation

Connecticut's winter days can be short, gray, and isolating. Reduced sunlight exposure decreases retinal light input, which has downstream effects on the body's regulation of serotonin and melatonin, the neurotransmitters that govern mood, energy, and sleep-wake cycles.

Research demonstrates that low light exposure can contribute to Seasonal Affective Disorder (SAD), subclinical seasonal mood shifts, and increased fatigue. Melatonin production naturally rises in extended darkness, which can heighten lethargy. Serotonin levels, which are supported by sunlight, tend to dip, affecting mood stability and motivation. For attorneys balancing deadlines, client demands, and courtroom schedules, these physiological shifts can compound stress and impede focus.

Cold Temperatures, Stress Response, and Cognitive Load

Cold weather places subtle demands on the autonomic nervous system as the body works harder to maintain core temperature. While these effects are generally manageable, the combination of physical stress, disrupted sleep patterns, and reduced outdoor activity can elevate cortisol levels. Elevated cortisol over time is associated with impaired concentration, reduced resilience, and increased anxiety, which are all factors that directly influence cognitive performance.

The Post-Resolution Lull

You all know and have lived the data, which shows that by early February, there is a consistent decline in resolution adherence. Gym traffic decreases, health goals flatten, and aspirational habits set in January begin to erode. This psychological dip, sometimes called the "mid-winter slump," can be particularly acute

for attorneys managing intense workloads. The discrepancy between early-year intentions and current behaviors can lead to self-criticism, reduced self-efficacy, and disengagement.

Strategies for Attorneys to Support Winter Well-Being 1. Seek Support and Leverage Community

Legal work is often isolating, particularly in smaller Connecticut firms or solo practices. Yet social support is a proven buffer against the physiological and emotional effects of chronic stress.

- Participate in local bar association wellness initiatives.
- Form informal peer circles to discuss practice challenges.
- Normalize reaching out, whether for mentorship, collegiality, or mental-health support.

Just as we counsel our clients, we, too, can benefit from structured conversations that promote perspective and reduce cognitive overload.

2. Establish and Enforce Healthy Boundaries

Boundary-setting is not only an interpersonal skill but also a burnout-prevention mechanism. Scientific literature indicates that individuals who maintain clearer work-life boundaries experience lower levels of exhaustion and improved emotional regulation.

For attorneys, this may mean:

- Setting explicit times when emails are not reviewed.
- Clarifying availability with clients and colleagues.
- Outsourcing or delegating low-value tasks where feasible.
- Avoiding the temptation to fill every unscheduled hour with billable work.

Boundary-setting protects cognitive bandwidth and prevents the chronic sympathetic activation that undermines long-term effectiveness.

3. Schedule Intentional Time Off

Even short periods of recovery can significantly reduce cortisol levels and improve executive functioning. February is an ideal month to reassess time-off planning:

- Consider a long weekend or strategic personal day during the winter stretch.
- Use that time for genuine restorative activity, not deferred household chores.
- Plan micro-breaks throughout the month to counter day light scarcity and mental fatigue.



Rest is not a luxury; it is an operational requirement for sustained professional competency.

4. Incorporate Exercise into Your Routine

Physical activity is among the most evidence-based interventions for combating winter-related mood declines. Exercise promotes neurogenesis, increases serotonin availability, and counteracts the lethargic effects of extended darkness.

Strategic approaches for busy attorneys include:

- Scheduling 20- to 30-minute sessions rather than waiting for large blocks of time.
- Using indoor options such as treadmills, stationary bikes, or resistance training when outdoor weather is prohibitive.
- Pairing movement with daylight, such as a brisk walk at lunchtime, to maximize light exposure.

Attorneys who consistently integrate even moderate exercise report improved concentration, stress tolerance, and sleep quality.

5. Reframe New Year's Resolutions as Winter-Long Practices

Rather than viewing early-year goals as "broken" if February progress lags, adopt a more sustainable framework:

- Recast goals into adaptable habits rather than rigid commitments.
- Allow mid-winter recalibration, adjusting expectations as needed.
- Track incremental progress rather than focusing on gaps.

The legal profession encourages precision and performance,

but well-being thrives on flexibility and self-compassion.

Conclusion

February in Connecticut is a challenging month for well-being, shaped by predictable environmental, biological, and psychological factors. These pressures also offer a catalyst for intentional, evidence-based practices that strengthen resilience. By seeking support, establishing boundaries, prioritizing rest, engaging in regular exercise, and reframing goals with compassion, you can counter winter's effects and maintain high performance throughout the year.

If you're interested in learning more well-being tips and to jumpstart your practice of taking mini-breaks, be sure to block your calendar for our annual Well-Being Summit, which will be held on Wednesday, May 6, 2026. Details will be forthcoming. ■



Joan Reed Wilson is the managing partner of RWC, LLC, Attorneys and Counselors at Law, where she practices estate planning, elder law, probate, and real estate closings. She holds a Certificate in Applied Positive Psychology from Penn and is a Certified Adult Chair® Coach.



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Do We Dare Eat a Peach?

The Messiness of Dialogue and the Courage to Confront Truth

By JUSTICE RICHARD A. ROBINSON (RET.)

T.S. Eliot's *The Love Song of J. Alfred Prufrock* presents a narrator paralyzed by hesitation, circling his own thoughts and worrying about how he will be perceived. The haunting question, "Do I dare to eat a peach?" becomes a metaphor for risk: the risk of embarrassment, vulnerability, and being seen as foolish.

Eating a peach is never tidy, it's sticky, juicy, and messy. For me, this is more than a metaphor; it's a memory from childhood summers at my grandparents' farm in Orangeburg, South Carolina. Their canned peaches were the best I've ever tasted. I remember the sweet juice running down my face and hands, sometimes requiring a good wash or even a bath after indulging.

Those memories are bittersweet. One summer, one of my brothers, two of my cousins, and I raided a neighboring farm's fruit trees. It was innocent childhood fun; however, it was also the early 1960s, and it nearly ended in tragedy for us. The orchard's owner saw us and started to chase us. My cousins ran the long way to my grandparent's farm, but my brother and I took the shortcut through the aptly named "Rattle Snake Swamp." Being one of the few Black families in that area made us rather easy to identify and soon the neighbor showed up at the farm. The situation escalated, and we came close to being arrested. The incident had troubling racial overtones, and my grandfather ended up paying a hefty amount, far in excess of the market value of the peaches in order to get us out of trouble. Perhaps I'll share the full story

another time, but it left a lasting mark: the sweetness of those peaches is forever mixed with the awareness that not everyone enjoys the same innocence or freedom in childhood.

Just as eating a peach meant embracing the mess for the sake of connection and delight, so too does honest dialogue about justice and equality require us to accept discomfort and imperfection as we seek genuine understanding and progress.

This hesitation is strikingly familiar in today's social, political, and legal landscape. Conversations about race, gender, sexual orientation, religion, or even simple fairness to one another are fraught with difficulty, and the challenge often begins before a single word is spoken. Much of our anxiety centers on whether we dare to even start the conversation. Polarization has rendered dialogue perilous. Differing views have ended friendships, fractured families, and disrupted workplaces. In such a climate, silence can seem safer than speech. Yet, silence does not resolve tension; it merely leaves misunderstanding unchallenged. Eliot's metaphor reminds us that conversation, like eating the peach, is inherently messy. It demands vulnerability, intimacy, and the courage to risk being misunderstood.

We fear the mess, but relationships, personal, professional, and civic are inherently messy. Honest dialogue about identity, belief, and fairness will never be perfectly composed. It will be awkward, uncomfortable, and sometimes painful. Yet, for the relationships and institutions that matter most to us, we choose to do the work anyway. We risk discomfort, repair misunderstandings, and persist, because these bonds are worth the effort. The mess is not a flaw to be avoided, but a sign of authentic engagement.

When we reach an impasse, it is tempting to walk away or sever ties. However, we should pause and seek common ground. Relationships and communities were important before conflict arose, and while not every relationship can or should be saved, most are worth the effort to repair and renew. Working through differences preserves what matters and fosters growth from diverse perspectives. This is the only way to build trust, repair fractures, and move toward genuine understanding.

The alternative to daring is to accept the status quo. Silence, though it may feel safer, is not neutral. Some use silence intentionally to protect their comfortable position in society, maintaining advantages at the expense of those who lack such comfort or security. By choosing silence, we accept the persistence of inequalities, misunderstandings, distortions, and unfairness. Misunderstandings, lies, and half-truths go unchallenged, perpetuating the very injustices we claim to abhor.

A well-known political figure recently declared, "In the United

States of America, you don't have to apologize for being White anymore," employing identity-based politics as a rhetorical device to criticize what he perceived as identity-based politics. This statement received applause and ignited widespread debate. However, his unsourced, unattributed statement concerning racial apology finds no place in reality.

Honest dialogue about accountability is not about assigning guilt or demanding apologies for identity, but about recognizing how entrenched structures have shaped opportunities and access and daring to address these realities openly. To reframe accountability as persecution is to miss the point; what is needed is a reckoning with history, not a sense of injury or guilt. Instead of focusing solely on apologies, what is truly needed is a process of truth and reconciliation, one that has proven successful in countries such as South Africa, Canada, and Rwanda. These processes go beyond symbolic gestures, creating structured opportunities for individuals and communities to share their experiences, acknowledge harm, and commit to meaningful change. The success of the truth and reconciliation process lies in its ability to foster honest

"Just as eating a peach meant embracing the mess for the sake of connection and delight, so too does honest dialogue about justice and equality require us to accept discomfort and imperfection as we seek genuine understanding and progress."

testimony, public acknowledgment of injustice, and collective healing. By confronting uncomfortable truths, societies have been able to move toward genuine understanding, repair relationships, and build a more just and equitable future. This approach demonstrates that the courage to face history directly, rather than seeking comfort in silence or symbolic apology, is essential for lasting progress and reconciliation.

The real request is not for anyone to apologize for who they are, but to acknowledge the truth, the whole truth, the good and the bad, warts and all. Only by daring to speak, risking discomfort, and confronting these realities can we hope to move toward genuine understanding of how we got to where we are today, and what we can, and should, do about it.

Eliot's refrain, "Do I dare?" is one of the central challenges of our time. The question is not whether conversations are possible, but whether we dare to begin them. Do we dare to risk discomfort in pursuit of understanding? Do we dare to speak even when silence feels safer? Do we dare to eat the peach, knowing it will be messy, knowing it may cost us comfort, but knowing that it is the only way to taste connection? In today's polarized climate, daring to eat the peach means daring to start the conversation, and to keep talking until its completion. It means accepting imperfection, embracing vulnerability, and choosing dialogue over silence. The peach waits. The question remains. Do we dare? ■

Justice Richard A. Robinson, retired Chief Justice of the Connecticut Supreme Court, has over two decades of judicial experience, including appointments to the Appellate and Supreme Courts, and is currently a partner at Day Pitney LLP.

Image credit: OlgaArhipenko | Getty Images

Civility: The Art of Professional Kindness

By PAIGE M. VAILLANCOURT

I recently had the privilege of seeing Kath Koschel¹ speak as a conference luncheon keynote. If that name doesn't ring a bell for you, that's okay—it didn't for me either. And, admittedly, when I saw the banner outside of the ballroom announcing that she was from an organization called Kindness Factory,² I inwardly sighed to myself about having to sit through another seminar on all the ways I'm failing to achieve well-being nirvana.

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I was very, very wrong.

What I sat through was an emotional rollercoaster of a personal story that left everyone in the room speechless. What I sat through was one of those rare, truly thought-provoking experiences that left me genuinely wanting to be a better person—personally and professionally.

Kath made one distinction in her talk that I've been mulling over since: nice and kind are not the same. Nice is passive, easy, superficial. Kind is intentional, hard, meaningful. Being nice is selfish. As one article puts it, "We act nicely because we want something in return: either for the other person to be nice to us in return or to provide us with something more tangible. . . . Being kind, on the other hand, is based on genuinely caring about others and doing things for them with the intention of a good or positive outcome for them, not yourself."³ Kath highlighted the distinction with a story about her year in rehab where she was teaching herself to walk again for the second time. Complications from a surgery—a surgery which allowed her to

walk again for the first time after a catastrophic back injury sustained while playing professional cricket caused her to be paralyzed—left her in danger of losing one of her legs. Facing another long, difficult road to recovery, Kath called her best friend from rehab and asked her to pick her up because she just couldn't do it again. Her friend said no, but I will be there with you whenever you need me, no matter the time, every step of the way. Kath explained that the nice response would have been her friend agreeing and coming to get her. It would be the easy choice, one that would save her friend from any upset or uncomfortableness. The denial was the kind response. The denial said, *This may strain our friendship right now, but I am willing to put in the work to make sure you succeed because I care about you and this is what is right.* Kath explained that her friend was honest with her and delivered that honesty with careful respect. Kath, by the way, did walk again for the second time. And a third, after she was struck by a drunk driver during an Ironman competition.

This is not a new distinction for me. A long time ago, in a galaxy far, far away, I studied psychology. Somewhere in the annals of that degree sits that distinction. It's a distinction that I've tried to instill in my daughter. Nice is giving up the toy because another kid demands it of you. Kind is offering to play with it together. I haven't had occasion to dust this distinction off and examine it in my life as a lawyer—but I should have. You see, civility, at its heart, is professional kindness. The word "civility" certainly has a more distinguished and regal air about it than "kindness," which can feel hokey. But when you look at the "common concepts of civility in the legal world, which involve treating others, including opposing counsel, parties, judges, court staff, colleagues, and co-workers with courtesy, dignity, and respect . . . [and] also includes cooperation, restraint, and honesty,"⁴ the similarities between what Kath described as kindness and what we define as civility become more apparent.

Let me illustrate with an example anal-

ogous to Kath's story. Imagine you're consulting with a client and they want a certain result, but the facts and/or law just aren't on their side. You have two options. You could take the nice approach and tell the client what they want to hear. You can go down a path that you know ends in a bad result because that's what the client wants, and you want to avoid the potential unpleasantness of the client being upset with you or taking their business elsewhere. This is the easy, superficial option. Or you could take the kind approach and tell the client what they need to hear. You explain why their expectations aren't realistic, what the risks are, what the costs might be, and how you're willing to work with them to get to an outcome that is realistic. This is the harder, more meaningful option. And it's not only kind, but it's the more ethical option.

Civility and ethics go hand-in-hand. It

implicates rules of professional responsibility, "such as honesty to the court and fairness to opposing counsel."⁵ Incivility can have tangible consequences—loss of reputation, loss of livelihood, higher litigation costs, judicial waste, increased stress, and damage to perceptions about the profession and legal system.⁶ Our rules of professional responsibility aim to mitigate those consequences, to hold the legal system to a standard that strives for quality, efficiency, and equal justice. We are zealous advocates, but zealous does not equate to unkind. And kind does not equate to pushover (but nice might). Indeed, "[a] meritocratic and competitive environment needs kindness as a leavening agent" to foster success.⁷

Civility is an art. It sometimes goes against our basic inclinations. It takes practice and intention. But I posit that when we respect opposing counsel, our

clients, the judges, and act with kindness, the negotiation field becomes easier to play on for everyone. It's one of the things I love most about the bankruptcy bar. We can be tenacious, stalwart adversaries, but we can pick up the phone, work it out, and toast each other the next day. ■

NOTES

- ¹ For more information on Kath Koschel and her work, please visit <https://kathkoschel.com/>.
- ² For more information about the organization Kath founded, please visit <https://kindnessfactory.com/>.
- ³ Svetlana Whitener, *Why You Should Learn to Differentiate Between Nice and Kind*, FORBES (Aug. 29, 2023, 7:00 AM EDT), <https://www.forbes.com/councils/forbescoachescouncil/2023/08/29/why-you-should-learn-to-differentiate-between-nice-and-kind/>.
- ⁴ David A. Grenardo, *A Lesson in Civility*, 32 GEO. J. LEGAL ETHICS 135, 143 (2019).
- ⁵ *Id.* at 138-39.
- ⁶ *Id.* at 145-46.
- ⁷ Arthur Dobrin, *Forget Niceness—Just Be Kind*, PSYCHOLOGY TODAY (Dec. 1, 2022), <https://www.psychologytoday.com/us/blog/am-i-right/202212/forget-niceness-just-be-kind>.



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After his father's death, he commenced a successful law practice in Chicago.

Robert was appointed Secretary of War by President Garfield in 1881, serving until 1885. In 1889, President Harrison appointed him as ambassador to Great Britain, a post he held until 1899. He later became CEO of the Pullman Company.

He built a vacation home in Manchester, Vermont that he named Hildene. It was a block from his favorite golf course and across the street from the famous Equinox Hotel. On the death of the last of the Lincolns, Hildene passed to the Church of Christian Science.

The church could not support its upkeep and sold it to a local tax-exempt organization. Highlights on public tours include the well-maintained gardens, Robert's astronomy tower, and his beautiful red Franklin Roadster.

Remarkably, Robert was present or nearby when three presidents were assassinated—his father, James Garfield, and William McKinley.

In 1875, Robert instituted legal proceedings that led to the commitment of his mother to a mental institution. She was acting irrationally and, although unknown at the time, her condition is now considered to have been bipolar disorder. Through friends, her release was secured quickly. Historians disagree as to whether she and Robert ever reconciled.

Scholars have challenged Robert's leadership at Pullman. Did he align himself with his father's generous vision of equality when he dealt with his employees at Pullman, many of whom were former slaves?

The historian Jason Emerson defends Robert by noting that Robert frequently declared that he endorsed his father Lincoln's principles. In 1896, speaking at the thirty-eighth anniversary of the Lincoln-Douglas debates, Robert declared that his father was right that there was no ruling class. Robert said, "The right to direct public affairs according to his might

and influence and conscience belongs to the humblest as well as to the greatest."

When traveling by railroad between Chicago and Hildene, Robert kept Abraham Lincoln's papers with him in metal boxes. He later presented these presidential records to the Library of Congress. He appeared frail in 1922 at the dedication of the Lincoln Memorial.

When Robert died in 1926, his wife successfully argued that he be buried at Arlington National Cemetery, not at the family tomb in Springfield. He was a figure who had achieved fame in his own right.

Robert had married Mary Harlan on September 24, 1868. She was the daughter of one of Abraham Lincoln's political allies, Iowa Senator James Harlan. Mary was extremely reticent and always tried to avoid the limelight.

They had a son and two daughters. Their son, Abraham Lincoln II, a promising student and athlete, died at age 17 from a mistreated shoulder infection. Their daughter Mary ("Mamie") had a comfortable life. She married a New York historian, Charles Isham, with whom she had a son, Lincoln Isham, who split his time between New York City and Vermont. He and his wife had no children.

It was Robert's third child, Jessie, who was a headache for Robert. Jessie took up with a professional minor league baseball and part-time football player, Warren Beckwith. Robert forbade Jessie from marrying Beckwith, so they eloped. Later, with much publicity, they divorced in a Chicago court. She married twice more and was always asking Robert for money.

Jessie had had two children with Beckwith, a daughter Mary, called Peggy, and a son Robert. As adults, both had little interest in their Lincoln heritage. Peggy never married and lived at Hildene raising cattle and piloting her airplane. Robert, who had an LLB from Georgetown, called himself a "gentleman farmer," spending time at Hildene and Florida. He married three times but had no children. At his death in 1985 at age 81, Robert Beckwith was the last of the Lincolns.

The topic of this essay was suggested by my wife, Linda A. Cohn. Information was derived from The Lincoln Family Album by Mark E. Neely Jr. and Harold Holzer (1990). John Banks also has a useful article online; "Abraham Lincoln's Family: Meet the Key Members." (2022, updated 2025). The Todd v. Ware case is written up in Vol. I, Daniel Stowell (ed.) The Papers of Abraham Lincoln (2008). ■

Hon. Henry S. Cohn is a judge trial referee in New Britain.

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