

**Remarks on the Occasion of Swearing In of
Term Clerks as Members of the Connecticut Bar**

November 6, 2013

Hon. Michael R. Sheldon

Chief Judge DiPentima, Fellow Judges of the Appellate Court, Colleagues on the Staff of this Court, including, especially, our law clerks who have just become the Thirteen Newest Members of the Connecticut Bar, and Friends and Family of the new admittees.

Congratulations to all of you who have just been admitted to the Bar of this State. Through your years of hard work and dedicated study, in college, law school and elsewhere, you have summited a sort of personal and professional Everest, culminating in the final, nerve-wracking ascent that was the Bar Examination. Congratulations as well to all the other people -- some here today in person, others only in your hearts -- who have supported you, prayed for you, and put up with you along the way. They have been the Tenzings to your Hillary on this arduous climb, walking each step of the way with you, often lightening your

load and always urging you onward and upward. Go out of your way to thank each of them in some suitable way before this day is done.

This is a day of great joy, justifiable pride and eager, if anxious, anticipation about what lies ahead. I feel privileged to have been given this opportunity to address you on this very first day of your lives as Connecticut lawyers.

The work of lawyers is vitally important to the fair and effective functioning of a free and democratic society. A major part of that work involves counseling, advocating for and otherwise assisting clients, to whom you owe special ethical duties. It doesn't matter what kind of clients you represent. They may be individuals, private businesses, public or private institutions or governmental entities. Whenever we as lawyers stand tall for our clients — popular or unpopular, powerful or otherwise — we do our part to ensure that they receive fair treatment under the law. By courageously and energetically using our skills as lawyers on their behalf, we help to level the playing field for them against the most formidable of opponents.

Some lawyers dream of handling big cases, for important clients, in beautiful

courtrooms such as this one. There is nothing wrong with dreaming, but as a lawyer you must understand that from any client's perspective, his own case is an important case, worthy of your complete dedication and zeal. Wherever you carry on your work, moreover, in the dingy basement of an overcrowded courthouse or a proverbial palace of justice, what ennobles the proceeding and everyone who takes part in it is the quality of the legal work that goes into it, not the décor on the walls. You should make each of your cases a showcase of your professional care and dedication.

Some days in your legal practice may at times seem routine, even boring. I assure you, however, that your work on those days will not be unimportant to those whose lives are affected by it. Your vigilance in turning over the last stone in each case you handle must be like that of the TSA officer who examines the last bag that goes on an airplane. It only takes one miss to create a disaster, so they cannot be too careful. You, as lawyers, by exercising great care in all you do, will not only show appropriate respect for all who may be affected by your work, but will serve as be your client's last, best defense against ill consequences that could easily

result from a less careful effort. That approach will also do the most to prompt others who interact with you to seek justice for their own clients in similar fashion. Every day, in every case you handle, you will not only hew to standards you have learned from others, but will set new standards for others to follow. By consistently observing the highest standards of preparation, zealous advocacy for your clients, civility towards your adversaries and candor to the court, you will promote justice for all, including yourselves and your loved ones. We all are doomed to be judged by the standards we set for others. We are entitled to no more. What we guarantee to the least among us, so we guarantee to ourselves.

With that thought in mind, we must acknowledge that in these times of economic turmoil, the costs of legal services have risen to the point that many people who truly need lawyers simply cannot afford them. This presents a great challenge to everyone concerned with justice in our society, for if the quality of justice a person receives is made to depend upon his ability to pay, there can be no justice in any meaningful sense of the word. Such a prospect is particularly tragic and ironic in a society such as ours, where, at least in theory, the right of

individuals to pursue justice in our courts is such a vital part of their birthright.

Other countries don't open their halls of justice to individual litigants to challenge governmental actions, practices and procedures under constitutional principles.

That privilege is reserved to high government officials, who alone may petition specialized constitutional courts for decisions on constitutional issues. Ordinary trial and appellate judges in those countries thus have no power to enforce the constitutional rights of individual citizens on complaints against their government.

In our country, by contrast, each citizen may invoke the constitution as a source of individual rights, and each judge, state and federal, is constitutionally empowered to enforce those rights, even against the government. If, then, as a practical matter, we deny access to justice to those who lack financial resources, including an ever-larger segment of the middle class for whom being hailed into court has become a ticket to financial ruin, we make our constitution's promise of equal justice an empty boast.

One great challenge for our profession is to make ourselves instruments of change to solve this growing problem. The beauty of the law as we practice it in

this country is its potential to democratize access to the courts and the power it gives citizens to use the law not only as a shield against injustice and overreaching, but as a sword to require other citizens and the government itself to do what the law requires or make amends for failing to do so. The great obligation of members of the Bar is to ensure that the benefits of the law are truly made available to all, regardless of their stations in life or the unpopularity of their causes. This obligation is far too important for us to leave it to others to respond to. None of us can sit back and wait for the giants of the profession to act in our stead. All of us must be those giants. You have now taken the last qualifying exam you will ever need to take to practice law in this State. Now your job is to stand on the pedestal you and your teachers have built for you and reach up as high as you can to carry your share of our collective load for the benefit of our fellow citizens. You can do so by seeking work as public defenders and legal aid lawyers for the poor. You can do so by performing pro bono work for persons without the means to pay you. You can do so by volunteering your time to organizations devoted to improving access to justice, enhancing the training of lawyers and paralegals, and simplifying

procedures for the assertion of legal rights by those who, despite all efforts to provide them counsel, still cannot afford such services. And, as lawyers who will increasingly see that your opponents in trials, hearings or other legal proceedings are self-represented individuals, you can do so by treating such individuals, in the spirit of equal justice, with dignity, courtesy and respect even as you represent their adversaries' interests. Your dedicated, persistent work — your commitments to quality in all you do for your clients, and to fairness in all of your dealings with others — will sustain you as stewards of the law's traditions.

Of course, in all you do as lawyers, it must be noted that the ultimate court of appeals is that of your own conscience, which determines how many stones you will overturn in your personal search for justice in any individual case, and what steps you will take to promote equal access to justice for the public at large. As for your public interest activities, no one will keep book on exactly what you do or don't do for those unable to help themselves. Only you will know if you have done what you can to improve their lot. As for your work on behalf of clients, appellate courts like this one, with their generous standards of review, will generally

presume your competence and give you considerable leeway to make tactical decisions without second guessing you, while trial courts will generally not interfere with your presentations of evidence and arguments, leaving such matters in your hands. Are you ready to handle such weighty responsibilities? You must be ready! Your clients, to whom you have special obligations, and our society, which has conferred special powers upon you, are entitled to expect no less.

I will close these remarks with two of my favorite images and one heartfelt request. The first image came to me in a story I was told by my father. It concerns the perspective with which a person should approach his or her life's work. A traveler on the highway came upon a person chipping at a stone and asked what he was doing. The person said, "I'm chipping at a stone." And so he was. A short way further on, the traveler encountered a second person chipping at a stone and asked him the same question. This time he was told, "I'm making a statue." Sure enough, the traveler could see a statue beginning to emerge from the stone. Slightly further down the highway, the traveler saw a third person also chipping at a stone and asked him the same question. He responded, "I'm building a great

cathedral." The traveler couldn't yet see the cathedral, but he could clearly see how the power of its image in the man's mind's inspired and energized him to do his very best work. As stewards of the law, endowed with legal learning and empowered to use your talents on behalf of all your fellow citizens, may you always have the perspective that, in doing your work, you are building a great cathedral of justice — a work perpetually in progress, begun by others many years ago, which it is now your duty and privilege to carry on.

The second image comes from recent history. It doesn't involve the law or lawyers either, but for me it symbolizes the manner in which a lawyer must act when confronting what he or she perceives to be an overwhelming injustice. In the summer of 1989, Tiananmen Square in Beijing was occupied by a large number of Chinese citizens, mostly students, who were demanding an end to authoritarian rule in China. Ultimately, their demonstration was put down with great violence, killing scores. Although foreign TV cameras were barred from the Square shortly after the demonstration began, certain networks maintained observation posts high up in nearby buildings. A camera crew in one such observation post filmed and

broadcast to the world a striking encounter between a young man and a column of tanks filled with soldiers in full combat gear approaching the Square. The man, carrying only a briefcase – no Molotov cocktails or political placards -- walked out in front of the line of tanks and stood there, quietly but persistently seeking to engage the commander of the lead tank in conversation. After several minutes, moving slightly back and forth to prevent the tank from rolling past him, the man was waved up on the tank by the commander, who spoke with him for several minutes before letting him off the tank and turning his column of tanks around. The image of one quiet, persistent person, respectfully encountering overwhelming opposition, standing tall, with great dignity, in an effort to persuade an adversary to turn around, is a powerful one indeed. Your right and responsibility to be that person -- to use his quiet but insistent method to ensure that otherwise unheard voices will be heard in our courts, and to help those in desperate need to overcome the sometimes daunting odds against them -- is what makes your membership in the Bar such an unparalleled privilege and opportunity. May you always use your talents wisely, generously and with courage, for your fellow citizens depend on

you for it.

Finally, but by no means least importantly, I have one request. Remember that in addition to playing your critical public roles as lawyers, you have many other important roles to play in your lives. You are a son or a daughter, perhaps a brother or a sister, a spouse or a significant other, a parent, a neighbor, a member of a church or other religious community or a loving friend. These relationships and affiliations, among others, have nurtured and helped to shape you as a person, and they can and will continue to do so as long as you let them. Don't lose the richness that comes from each of them, or shortchange the many people with whom you have developed them, who are doubtless counting on you to maintain your involvement in their lives with energy and generosity of spirit. Don't let them down, for in so doing you would lose an important part of the special person you have become and we and others so admire and appreciate. Speaking for all of my colleagues, we are delighted to welcome you to the Bar, and wish you long and fulfilling careers as Connecticut lawyers.