

SUPERIOR COURT  
JUDICIAL DISTRICT OF HARTFORD  
AT HARTFORD, CONNECTICUT  
MAY 5, 2023

Law Day  
(Excerpt)

Recorded and transcribed by:

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Court Recording Monitor  
101 Lafayette Street  
Hartford, Connecticut 06106

(Excerpt of ceremony.)

**INTRODUCTION OF LAW DAY SPEAKER: JENNIFER E.  
WHEELLOCK**

Hello, everyone. It's nice to see such a big crowd here this morning. I'm here to introduce the Law Day speaker, who -- for many of you -- needs no introduction. But I will still introduce Attorney Lou Pepe.

He is a litigation attorney who is a partner at McElroy, Deutsch, Mulvaney & Carpenter. He focuses his practice on business torts and contract disputes and construction contract cases. He represents his clients in state and federal courts, as well as in arbitration, mediation, and other ADR proceedings.

Mr. Pepe received a Bachelor of Management Engineering degree and a Master of Science degree in Management from Rensselaer Polytechnic Institute and a J.D. with distinction from Cornell Law School. He is admitted to the practice of law in Connecticut and before the United States Supreme Court and numerous federal district courts and courts of appeal.

He has taught in seminars presented by the Connecticut Bar Association on trial practice and has presented seminars in business and construction litigation throughout the country. Mr. Pepe has also taught a course in arbitration at the University of Connecticut Law School.

He is a former president of the Connecticut Bar Association, a fellow in the American College of Trial

1 Lawyers and the American College of Construction Lawyers.  
2 He is an associate of the American Board of Trial Advocates  
3 and a fellow in the Connecticut Bar Foundation and the  
4 American Bar foundation.

5 He is listed in Who's Who in America, Who's Who in  
6 American Law, the International Who's Who of Business  
7 Lawyers, Who's Who of Construction Lawyers, and the Who's  
8 Who in International Arbitration. He has also been listed  
9 in Super Lawyers from 2006 to 2018 in the areas of  
10 construction litigation, business litigation, and  
11 alternative dispute resolution. He has been listed in Best  
12 Lawyers from 1995 to 2019 in the areas of arbitration, bet-  
13 the-company litigation, commercial litigation, and  
14 construction law and mediation. He was also recognized as  
15 the 2019 Lawyer of the Year for bet-the-company litigation  
16 and construction law in the Hartford area.

17 He is a member of the American Arbitration  
18 Association's panel for large, complex commercial cases,  
19 international cases, and mega-project cases and its  
20 construction master mediator panel. He is also a member of  
21 the arbitration panel of the International Institute for  
22 Conflict Prevention and Resolution.

23 And most importantly, he is our distinguished Law Day  
24 speaker today. We are very happy to have him.

25 **LAW DAY SPEAKER: ATTORNEY LOUIS R. PEPE**

26 Jennifer, thank you so much for that very generous  
27 introduction. And more importantly, my thanks to you and

1 Judge Cobb and your committee for all the work you've done  
2 to make this Law Day ceremony happen. An event like this  
3 doesn't just happen. It takes a great deal of work. And  
4 we're all grateful to you for everything you and your  
5 committee have done for this ceremony today.

6 So, when Jennifer called a few weeks ago and said that  
7 the theme for the Law Day ceremony this year would be  
8 civics, civility, and collaboration, and would I be willing  
9 to make some remarks on the civility part of it, I said I'd  
10 be honored to do so. She said, "That's great. We've  
11 allocated some ten minutes for your remarks." I said, "Ten  
12 minutes? I've got a lot to say on this, Jennifer. I can't  
13 clear my throat in ten minutes." She said, "You know you  
14 can't bill for this." So, with that understanding, I've  
15 truncated my remarks. You'll be the beneficiary of that.

16 In the limited time I have to speak today, I'd like to  
17 do two things. I'd like to try and make the case for  
18 civility in our profession and then share with you some  
19 thoughts on why I think it's threatened today.

20 If that's what we're trying to do today, we probably  
21 ought to have a common understanding of the term "civility."  
22 If you look in Webster, Webster said it's politeness; it's  
23 courtesy; it's showing good manners. We all know that. If  
24 we take that and transfer it to our profession, I think what  
25 it means is that, on a daily basis, we show to everyone in  
26 the system, in the process -- we show everyone in the  
27 process the dignity and respect that they deserve. The

1 Court, of course; the marshals, the clerks, the court  
2 reporters in the system, of course; our colleagues, our  
3 coworkers, our opposing counsel get the dignity and respect  
4 they deserve.

5 Then, if that is so, the question becomes: Why? Why  
6 must that be the way we practice our profession? I have  
7 four reasons to answer that question. There are probably  
8 many more. You can think of some. But let me share with  
9 you these four reasons and see if they resonate with you.

10 Number one: We owe civility -- on a daily basis, in  
11 everything we do -- to our profession. Our profession is a  
12 great and honorable profession. If we believe that our  
13 society is based on the rule of law, then we -- the judges  
14 and lawyers -- are the ones who implement that rule of law.  
15 So, if the rule of law is the cornerstone of our democracy,  
16 we're the cornerstone of the cornerstone. And for a  
17 profession that occupies that kind of status, enjoys that  
18 kind of importance in our society, there's no room for  
19 incivility. There's no room for offensive behavior.

20 Number two: We owe it to the Court. Everything we do,  
21 we do as officers of the Court. And we must never forget  
22 that. The judge up there is trying to get it right. And  
23 she is relying on the adversary system to help her get it  
24 right. And when the adversary system is implemented  
25 properly, it is a thing of beauty -- the conflict of ideas  
26 and arguments forcing the truth to the surface. But when we  
27 don't employ the adversary system properly, when we engage

1 in obnoxious or offensive behavior or ad hominem attacks on  
2 our opponent, the adversary system fails. And the judge has  
3 a hard time getting it right. And we fail in our  
4 obligations as officers of the Court.

5       Number three: We owe it to the client. Ask any judge  
6 in this room -- any time, any place -- whether that judge  
7 finds offensive, obnoxious, sniping, snarky, scurrilous  
8 attacks on your opponent effective advocacy. I don't think  
9 there's any doubt about the answer that judge would provide.  
10 I don't think there could be any doubt. That judge -- any  
11 place, any time -- will tell you it doesn't work. So, at  
12 best, uncivil behavior in the pursuit of your advocacy is  
13 ineffective; at worst, it prejudices your client's position.  
14 So, if we owe our client -- as we do -- effective  
15 representation, then when we engage in uncivil behavior in  
16 the pursuit of that client's rights and interests, we fail  
17 the client.

18       And number four: We owe the maintenance of civility,  
19 in everything we do, to ourselves. Each of us has a finite  
20 amount of stomach lining, and it has to last the entire  
21 career. Okay. What we do is very, very difficult under the  
22 best of -- that sounds self-serving. It is very, very  
23 difficult because there is the built-in stress to what we  
24 do. When we enhance that stress -- when we make it more  
25 difficult than it has to be by engaging in unproductive,  
26 ineffective, unhelpful behavior with our opposing counsel --  
27 we do ourselves a disservice.

1       So, for those four reasons -- from the most altruistic  
2 to the most selfish -- it seems to me we're obligated to  
3 maintain civility, pursue civility, act in a civil manner in  
4 everything we do, at all times, in the pursuit of our  
5 profession. You may or may not agree with that, but I ask  
6 you to consider it.

7       Now, let me suggest to you why I think that effort to  
8 maintain civility in all we do is threatened. I look at it  
9 as two different reasons: the old and the new. And let me  
10 suggest to you what I mean by that.

11       As I suggested to you earlier, the adversary system has  
12 a built-in tension -- doesn't it? I mean, it is predicated  
13 upon conflict and confrontation. And there's really nothing  
14 we can do. That's the nature of the adversary system. And  
15 so, if we live -- in everything we do, every day -- with  
16 conflict and confrontation, then the best we can do is  
17 manage it. We can't eliminate it. We depend on the  
18 adversary system. It'll always be there -- that conflict,  
19 that confrontation. Our job is to realize that; to be  
20 sensitive to it; and to manage it -- and to manage it in a  
21 way that eliminates the uncivil behavior, that eliminates  
22 the offensive behavior, the obnoxious behavior and focuses  
23 on the true pursuit of the adversarial system. I don't  
24 think that'll change, ever. At least, I'm not smart enough  
25 to know how to make it change. And all we can do is live  
26 with that.

27       The second is a new and more recent threat. And on

1 that issue, I think there is something we can do -- and I  
2 hope we will. When the COVID-19 pandemic struck, it was a  
3 watershed event in our society. Everyone was affected. Our  
4 profession did not escape, of course. So, we retreated to  
5 our caves and continued to practice law with our computer  
6 and our Wi-Fi and our Zoom platform. And in the process, we  
7 became isolated. Probably nothing we could do about it; it  
8 just happened. It was the nature of not being where we used  
9 to be and interacting with the people with whom we  
10 previously interacted.

11 Then, the COVID-19 pandemic ended. But the isolation  
12 did not. Because during those couple of years, we found out  
13 that -- two things: one, that the use of remote hearings to  
14 accomplish business at the court, here in the court process,  
15 was efficient. And there's no denying that -- efficient,  
16 cost-effective, and convenient. It didn't make sense to  
17 drive half an hour to Stamford for a status conference or an  
18 argument on a motion when that could be accomplished by Zoom  
19 and, in the process, conserve limited judicial resources.  
20 And at the Bar side of it, we found that it was comfortable  
21 to stay at home and practice remotely. And I suppose  
22 there's no denying that this notion of remote practice does  
23 bring with it convenience and comfort.

24 But at what price? At what price? And I'm suggesting  
25 to you that that price may be too high, unless we do  
26 something about it. I'm concerned there is an entire  
27 generation of young lawyers that are growing up thinking



1 it's okay to sit down when you're addressing the Court.  
2 It's not. It's not. That same generation of lawyers thinks  
3 that when they're doing a remote hearing with the Court,  
4 it's not a real court proceeding. It is. We may be in the  
5 basement with the Wi-Fi and the dog -- okay -- but this is a  
6 court proceeding. You're doing court business. And you act  
7 and you dress like you're in court, even though you're in  
8 the basement. And that, I think, is something that I hope  
9 you will take away and implement with the mentoring of our  
10 young lawyers.

11 The other part of that cost is the isolation that  
12 continues. And I'm going to suggest that it's time for us  
13 to get out of our silos and our sweatsuits to dress up like  
14 real lawyers, get into the office, get into the courthouse,  
15 take your colleague to lunch, go to the organized Bar events  
16 -- like this, like the evening meetings, like the dinner  
17 meetings. And let me suggest to you why: Because it's much  
18 more difficult -- much more difficult -- to be obnoxious, to  
19 be offensive, to engage in uncivil behavior with your  
20 adversary when you know that adversary. And it is even more  
21 difficult to engage in that unwanted, inappropriate behavior  
22 after you've broken bread with that adversary. I promise  
23 you that's true. So, let's end the isolation and get back  
24 interacting with our colleagues, interacting with the judges  
25 and the other members of the judicial system.

26 And with that, I leave you with this thought: Go  
27 forward and preach the gospel of civility. Better yet, live

1 the gospel.

2 Thanks so much for your attention.

3 (End of requested portion.)

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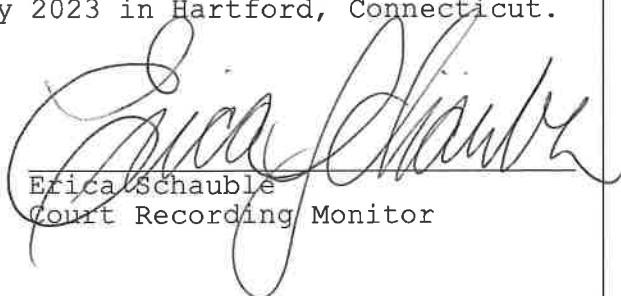
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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the excerpt from the audio recording of the Law Day ceremony, which took place in Superior Court, Judicial District of Hartford, Hartford, Connecticut, on the 5<sup>th</sup> day of May 2023.

Dated this 30<sup>th</sup> day of May 2023 in Hartford, Connecticut.

  
Erica Schauble  
Court Recording Monitor