

NEW LONDON JUDICIAL DISTRICT LAW DAY CEREMONY

Thank you for inviting me to speak at the 2011 New London County Bar Association Law Day celebration. It is an honor to be here with the members of the bar, my colleagues and the dedicated staff we have in the New London Judicial District.

Before I get started, I have a question for you. Does anyone know when the first Law Day was celebrated?

According to my research, fifty-three years ago, in 1958, President Dwight Eisenhower declared May 1 as Law Day. I suspect that President Eisenhower wanted to use this recognition of the law, lawyers and an independent judiciary to focus on the role that the law and our courts play in protecting and shaping the values of our society. I also suspect that the former general, in the face of the cold war, wanted to use this celebration as a powerful counter point to the May Day Celebration that had tanks and rockets rolling through Red Square.

As I was thinking about this speech, I also found myself distracted with the events of the past week and months. Just in the last seven days, we have had tornados in Alabama that killed hundreds, a royal wedding and the killing of Osama bin Laden. In the past months we have seen revolutions in Tunisia and Egypt. We are watching a revolution unfold in Yemen and Libya. I wondered how I would make Law Day relevant, and I think I figured it out.

If a country did not recognize the principle of the rule of law, it might survive the royal wedding. But it could never survive a natural disaster of the magnitude in Alabama or the attack that bin Laden carried out on 9/11. I also wonder whether there would have been revolutions in Tunisia or Egypt if either country possessed an independent judiciary to adjudicate a citizen's claim of governmental corruption.

So, with recent world events in mind, it is appropriate for us to gather and reflect on the very basic need for fairness through an independent judiciary that provides and permits zealous advocacy. However, the realization

that society needs a judicial system is not a new one. In fact, it is older than the U.S. Constitution as evidenced by the actions of John Adams. This year's Law Day theme is: "The Legacy of John Adams, From Boston to Guantánamo: Defending the Rights of the Accused."

Most of us probably remember John Adams as the second president of our nation. Not so many of you may remember him as the first lawyer to be elected president. For the purposes of this Law Day Celebration, however, it is John Adam's legacy as a trial lawyer that provides us with the opportunity to revisit the historical and contemporary role of lawyers in defending the rights of the accused, and renew our understanding of and appreciation for this fundamental principle of the rule of law.

If we look at our system of justice, the rule of law is the social compact we make with all the people we serve in our capacity as members of the bar. This is a principle that John Adams intuitively understood and grasped as essential to ensuring that justice was achieved.

In 1770, British Soldiers were stationed in small garrisons throughout Boston. On a cold March night a fire alarm was sounded and hundreds of Boston citizens filled the streets. They became a mob when they reached the Custom House where eight “Redcoats” were garrisoned. They shouted, cursed and then showered them with chunks of ice, stones and debris. The soldiers fired their guns in self defense and five “patriots” were killed.

John Adams, a leader in resisting British rule, was asked to defend the soldiers, a very unpopular assignment. Despite his concerns for his family, he accepted the assignment for a fee of 18 guineas: probably the equivalent of a \$25 dollar retainer today. He accepted the cases of unpopular soldiers and did so in the face of public opinion that wanted vigilante justice. Adams did so because it was his job to do so as a member of the bar. Despite the public opprobrium Adams vigorously discharged his duties. He understood that the right of the defendants to have a defense would make his community stronger.

The reason it would become stronger is because, “it is of more importance to a community that innocence should be protected, than it is that guilt should be punished.” The social value of innocence was thus protected when he provided a defense.

He secured an acquittal for the captain and six of the soldiers.

Although hundreds of years have passed, that core commitment from lawyers to do justice remains the same – it is a commitment taken up by the lawyers who represent the Guantánamo detainees and closer to home, the commitment by the attorneys defending the men accused of the Cheshire home invasion murders.

There is no doubt that the names and faces have changed over the centuries, but the foundation has not. The rule of law is a system whereby everyone, including the government, is accountable and can expect equal treatment based upon a stable and predictable set of laws.

The rule of law necessarily depends, therefore, on lawyers who are not afraid to represent the despised or the disenfranchised.

These lawyers face great pressure from society at large, for if they succeed, their victory is described as getting a guilty person off “on a technicality.” This may be a good sound bite, but it completely misrepresents a democratic form of government. It wasn’t a technicality, it was a violation of the Constitution, and we cannot afford to allow such a violation to happen.

Lawyers hold government accountable and are a vital safeguard, particularly in turbulent times. So, whether it is representing a British soldier or a detainee at Guantánamo, we are indebted to these men and women who defend our constitution every day.

Now I know that Charlie Whitty will be introducing you to Beverly Goulet, this year’s honoree of the Liberty Bell Award, but I want to say a word or two about her. I first was introduced to Beverly Goulet in the late 1970s or the early ’80s when I was a volunteer and a board member for the United Way of Southeastern Connecticut. Bev was working for the city of Norwich and she was a strong and aggressive advocate for the less fortunate of us. She was respected and relied upon to identify needs and develop

and recommend solutions for the problems they faced. She frequently called upon the conscience of the community to address these needs even if her work would give us uncomfortable reminders about the needs of the poor and the ill and our obligations to them.

I believe there are parallels between Beverly's contributions to the community and John Adams recognition of his responsibility to the community and the rule of law. Their advocacy may not be popular, but it is the right thing to do.

I congratulate Beverly Goulet on this honor. She is a worthy recipient. I thank you for this opportunity to share with you my thoughts on Law Day 2011.

I apologize for my late arrival and my early departure; I have a jury waiting for me at 2 p.m. in New London.

Thank you.