



KEEFE FOR THE DEFENSE

Hugh Keefe

Hugh Keefe is arguably Connecticut's best known criminal-defense lawyer. He's been practicing law in New Haven for 40 years, handling cases from the Black Panthers to former Rowland administration Chief of Staff Peter Ellef to Danbury trash-hauler James Galante and recently indicted North Haven town employees Joseph and Patricia Ierardi. Keefe, 64, is a graduate of what was then Quinnipiac College and the University of Connecticut law school. He's the managing partner of Lynch, Traub, Keefe & Errante, PC in New Haven. Mitchell Young, Publisher of New Haven, interviewed Keefe for One2One.

Where did you grow up and when did you get started in the law?

I graduated [from law school] in 1967 at the height of the Vietnam war, and the height of the domestic revolution over the war. I was in the [National] Guard stationed in New London. In November of '67 I joined this firm and have been with it my entire career.

Where did you grow up, and how did you get to New Haven?

I'm from Boston. There was a [meat-packing] plant down here called Sperry & Barnes. My father was a meatpacker and an Irish immigrant; my mother was also an Irish immigrant. They met in Boston

and had five kids. We lived in Somerville [Mass.] and he worked for a subsidiary of Swift Squires. They closed that plant and shipped him to New Haven and he dragged five kids down here. No sooner did he get here then they closed Sperry & Barnes.

So during the Harvard-Yale game are you conflicted about who to root for?

Yale's been good to me, I have no trouble rooting for Yale.

So you came in soon after the firm was founded. Isn't it about 50 years old?

Bill Lynch, who's now deceased, founded it in 1957 when he left the FBI. The firm does everything except patent law. We have 16 lawyers. Although I'm probably best known for criminal defense, I do a fair amount of civil litigation. Almost whatever takes me to the court, I do.

So you see yourself as a litigator?

Yes, that's exactly correct. There's even a difference between litigators and trial lawyers. Trial lawyers actually try cases in the court. Many times litigators are lawyers who do a lot of pre-trial work, depositions, discovery, motions but not trials. We do trials here — that's where the fun is. I often tell my students [they] should get involved [in trials], even

though it is harder and harder to find a practice that encourages trials as opposed to settlements.

You tutor law students at Yale. Are most of them looking for big bucks, or to fight injustice?

Here's the problem with the way the practices are set up today, and the students at Yale are not immune to this: When they graduate, most law school students are saddled with a lot of debt. It's not unusual when we interview a graduate, that they have about \$100,000 in debt. Yale law students and UConn graduates are motivated many times necessarily by money. The salaries being offered in New York, Boston, L.A. are almost embarrassing — \$150,000 or \$160,000 is not unusual. They take these graduates, stick them in a little office, work them to death for five or six years and tell them they're not going to be partners.

It's a young man's game?

It's a young man's game to develop [as a trial attorney]. When you're in your 30s or 40s, you can't go back to that. You can't go from real estate into trial law — it just doesn't happen. The time to take the insults and the barbs and the daggers and the knives you have to take as a trial lawyer is when you're right out of law school.



You're still taking insults and barbs, aren't you past that?

Every day I get out of bed and know that someone is going to insult me, to accuse me of something in the courtroom in front of a judge. [Someone will] say something or do something that is going to be highly insulting to me.

So this was the perfect career for a smart-ass Irish kid from Boston.

If you have a personality that does not mind being contentious, antagonistic professionally and confrontational, then the practice of trial law is made for you. You get out of bed every day and you can have a fight with someone.

In that case, what does being a trial lawyer do to you personally? Does it make you hard?

If someone hates confrontation and adversity, this is not the job for them. You can be adverse and contentious and still be professional. There are many lawyers that despise that [contentiousness] and they don't do it, and they shouldn't. But if you like the competition and being on your feet, opposed to someone, it's a terrific way to make a living.

Many of your clients are people who have had solid accomplishments and now they're in trouble. That must be pretty difficult for them. How do you adjust to deal with them?

That's an excellent point. You hear all these people constantly say, 'Let's get tougher; let's put the people in jail.' Ninety percent of the people caught up in the criminal-justice system as defendants are either good guys who made a mistake, or otherwise fine people. Like Peter Ellef, chief of staff for [former Gov. John G.] Rowland, like Rowland himself. I'd say five percent are real evil. Like the people who did the crime in Cheshire — they're evil. But they are so rare, thank God. Most are decent people who've made one, maybe two mistakes in their lives and they're devastated. You can ruin a life so easily — [for example] you have too many beers one night. To me it's an honor to represent anyone — when that phone rings and that person actually wants me to represent them in what is one of the most serious chapters in their lives.

Today we see you with a lot of high-profile, white-collar-crime defendants, but didn't you make your reputation defending the Black Panthers here in New Haven?

I was a kid out of law school just a couple of years. [The government] decided to try a dozen Black Panthers for murder in New Haven. The FBI wanted to terminate the Black Panthers and they were litigating them to death. I was appointed special public defender to represent two of them, and the firm was good enough to allow me to do that case for almost two years exclusively, at special public-defender rates.

They chose you because?

I had done some special public-defender work and had tried some murder cases. [These] were murder cases, and they needed people who were willing. To represent the Black Panthers in 1970 was not exactly a popular thing to do. I was in the National Guard at the time, and the Panthers had a huge rally on May Day in 1971. Thousands of people on the New Haven Green. As the lawyer for two of the guys, I was on the Green. I get

home to my apartment that night and the message from my sergeant was that my unit had been activated. The next day I was back on the Green as a member of the National Guard.

Was that the high-profile case that set your direction?

I had some murder cases, and almost any murder case in those days was high-profile. New Haven had two newspapers in those days, morning and evening. That case was a very highly publicized case.

There seem to be a lot of lawyers talking up their cases in the media these days. What's the value of that?

Whenever the federal government goes after someone, they have a public relations guy and another one at the FBI. They issue a press release telling the world what you're indicted for and some of the evidence against you. The FBI and law enforcement are notorious for leaking information. If you're representing [a defendant] he's being bombarded constantly by negative publicity. Someone has to say, 'Hey — there's a

presumption of innocence here. This is a terrific guy, he's a military hero.' There has to be some counter-balance. You have to humanize people. [Otherwise, when] you're arrested, you're a criminal [in the eyes of the public]. Once you're in that category a lot of stereotypes are in the eyes of the public unless someone says something different.

In the public cases like Ellef and Rowland there seems to have been a lot of animosity against the defendants by many of us in the press or the public. What's behind that?

I think the public tends to overreact and in my view did in that case [Rowland]. I think Judge [Peter] Dorsey's sentence of a year was perfect — absolutely appropriate. If you took a poll you'd hear he gave the courthouse away, [that Rowland] should have gotten ten years. It's always mysterious to me how minimally the public looks at incarceration. One day of incarceration is horrible. When the public says ten years, they have no idea what jail is like. I think with capital punishment, it's a ridiculous debate. I'd rather die any day than do 20 years in these hellholes.

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Does the public understand how the system really works?

When they get arrested — white-collar types, cops, lawyers themselves — they're shocked. The cards to a large extent are stacked against the defense. There is a presumption of innocence, but those of us in the business really feel there is a presumption of guilt. When a guy goes into court having been arrested and handcuffed and jailed and having to post bond, [the public] thinks he must have done something to be in this situation.

What about the judges and the system generally?

Judges are just like everyone else — there are good ones and bad ones. Some believe in the presumption of innocence and every single day live it. And some judges,

it seems, don't believe it at all.

There's been lots of TV shows on lawyers, the doctors seem to be in right now,

[Interrupts] Be careful, reporters are next.

We don't make good TV — not enough money, not enough sex.

Almost every law show has been prosecution-oriented and made the defense look like unethical slimeballs and shady characters. When I was growing up it was the opposite. Lawyers were heroes — they would find an underdog and represent them. Perry Mason, for example. [The trend toward prosecution-oriented shows] conforms to the climate of the times, pro-law and order. There's nothing wrong with wanting law and order. Certainly some [new thinking]

should be going on because of the vast number of [convicted criminals] who are being let go because of [exculpatory] DNA [evidence]. You would think that would resonate with the public.

Do you think the police do a good job of investigating crimes in Connecticut?

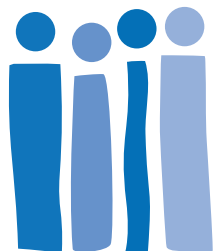
I do. You have to understand, I've probably represented more police officers in civil and criminal cases than anyone else in Connecticut. There are good cops, bad cops, lazy cops, exceptional cops. They don't have the resources the FBI has, and the FBI can pick what cases they're going to handle. The street cops don't.

There are lots of cases today where police are accused of abusing their authority or outright commission of crimes. Do they get a fair shake in the system, or are they presumed guilty?

They get a fair shake when they are the defendants. They have an edge up. Jurors will give them the benefit of the doubt. They recognize how tough a job it is. If they don't at the beginning, after they hear evidence they do.

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How does feeling your client is guilty affect your ability to defend them?

Very rarely does a case come along that I can't personally defend them because I feel so bad about what happened, and there seems to be too much evidence against them. I can't defend them because I think subconsciously I'll be rooting against them. The Cheshire case is like that. When that isn't the problem, it isn't an issue of whether they're guilty or not. Many people say the verdict should be changed from guilty or not to 'proven guilty or not.'

Do you ever worry about damage to your reputation in a case?

You're a criminal defense lawyer; you take criminal cases. In certain cases, and [Cheshire] is one, it's so heinous that it can easily spill over to your reputation.

When you took the recent case where three foreign students at Yale burned an American flag, did you think that was going to spill out into a big political firestorm?

It was a national story for a couple of days. The media made it a political case immediately, it had all the elements. Non-U.S. students, Yale students, flag burning, in the middle of the Iraq war, immigration was [being debated] in Congress. It was hard until they realized these were just teenagers out for a few drinks. Once the prosecutor decided it was teenagers acting like teenagers, it turned around. It could have gotten out of hand if we had a prosecutor that wanted to make a name for himself or be on Larry King.

Going back to your students, what do they think about the system's fairness?

I think students today are far more conservative than when I was in school.

Is that because you were at UConn and this is Yale?

No, I think students everywhere are more conservative. They think if [someone accused of a crime] has an effective lawyer and it's an even playing field, then things are okay.

You married another criminal-defense 'super lawyer,' Tara Knight, and a beautiful woman at that. How did you meet?

In the courtroom. I've known her for 20 years. We tried the Beth Carpenter case together, Beth was another lawyer, charged with murder in a murder-for-hire case. We worked on the case together a couple of months.

All couples argue. Can an argument ever end between two litigators? And who wins?

She wins — all the time. We're blessed. We talk law a lot. She is exclusively criminal defense. I believe she was the first [woman] in New Haven and among the first lawyers to establish her own firm in Connecticut devoted exclusively to criminal defense. It's a tough end of the law, and very male-dominated. Women tend to be less combative, less antagonistic, less aggressive... [Catches himself and laughs] How stupid am I? There is nothing good in what I just said. There is no silver lining. ❖

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