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Letter to the Editor

The Recorder
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I write to castigate the office of the city attorney for its spokesperson's comments about the adjudicated attorney misconduct of Sean Connolly in the Smith case. Mike McKee's story [["Justices rap city attorney's knuckles,"](#) March 1] caused me to read the decision itself. Mr. McKee covered it accurately. One thing he did not report was that the city attorney did not deny Connolly committed misconduct but only argued the misconduct was harmless.

What's offensive are the statements "We won. We'll take it" and that the city attorney stands behind Connolly 100 percent. The city attorney thereby endorses and cultivates misconduct. A public agency owes the public adherence to a higher standard than winning at all costs.

The city attorney should have jumped at the opportunity to apologize to the courts and people for trial conduct it could not defend on the merits to the appellate court. Certainly the office had every right to say the conduct was not prejudicial error in the particular case, but the error was prejudicial to civil justice nevertheless.

Such an apology would have damaged Mr. Connolly's morale. That is exactly what should happen. Wholesale violation of *in limine* orders goes beyond aggressive lawyering; it undermines the rule of law and respect for the courts. If the city attorney does not recognize this error voluntarily, I hope the next "mad dog" incident receives a sanction that lights up the office as a whole, not just Mr. Connolly.

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