

Sean Connelly put McVeigh away

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You will find stories within these pages about superstar attorneys who've yearned for a career in the law since arguing with their parents for second helpings of dessert. You will see tales of legal hotshots who've made so much money for their clients — and themselves — that they could build their own museum of modern art. And you will read stories of super lawyers who have been the top student in every school they attended.

Sean Connelly isn't one of those guys.

Now, don't get the wrong idea. Connelly is, indeed, one of Colorado's Super Lawyers. The former assistant U.S. Attorney helped win convictions in the 1995 bombing of the federal building in Oklahoma City and was awarded the U.S. Department of Justice's highest honor for his role in those prosecutions. As a partner with the Denver firm of Hoffman, Reilly & Pozner, he is forging a reputation as a top litigator and diligent appellate court lawyer. But this father of two teenage daughters is a Miller Lite drinking, spending-time-with-his-family, regular-Joe guy who came to the law only after realizing his fastball was never going to win him a shot at the pros.

"I was always more interested in athletics than academics," Connelly says of growing up outside New York City. Baseball was his game but, after his first two years as a left-handed pitcher on the baseball team at Fairfield University in Fairfield, Conn., Connelly jokes that his ERA was higher than his GPA.

"Nobody," he says, "was going to pay me to throw a pitch for them."

That realization, and a budding romance with a young woman who did take school seriously, convinced Connelly to hit the books and find a new direction in his life.

"She helped me mature. If I wanted to see her, I had to go to the library," Connelly says, deadpan, about his wife, Susan. "She straightened me out."

At first, Connelly says, he envisioned becoming an English teacher, maybe coaching high school athletics. But he realized he loved to read, to think. And the idea of a career in the law, arguing cases and working for the public good, began to appeal to him. He went on to earn his J.D. in 1983 from Catholic University Law School, where he also received the Faculty Award for the highest-ranking law student. Connelly, in his own words, "hit my stride in law school."

In 1990, after several years in private practice, Connelly really hit his stride. He joined the U.S. Department of Justice and later became Special Attorney to U.S. Attorneys General Janet Reno (and later, John Ashcroft). Then, in April 1995, Timothy McVeigh detonated a rental van full of explosives in front of the Alfred P. Murrah Federal Building in Oklahoma City, Okla., killing 168 people and injuring another 850 in what, to that point, had been the worst case of terrorism on U.S. soil.

Two years later, Connelly found himself a member of the team responsible for prosecuting McVeigh and, later, his accomplice in the attack, Terry Nichols. At the

time, Connelly's daughters Laura and Erin were 9 and 7, just young children themselves. The pressure of the case — the pressure to find justice for all those victims — was immense, Connelly acknowledges.

"It was so important to the people of Oklahoma City and to the rest of the country," he says. "We needed to show that the system could work."

About victims' friends and families, he says: "People wanted to know every detail. Others didn't want to know anything. But some came to every hearing. That drove us on."

Connelly worked the case from the beginning through McVeigh's and Nichols' convictions to McVeigh's final appeals in 2001. In May of that year, just a week before McVeigh was scheduled to be executed, Department of Justice officials discovered and then admitted that the FBI had mistakenly withheld several hundred documents from the defense in the case.

Connelly was in charge of staying on top of appellate issues in the case. "I got a call from the FBI agent in charge and had to write the letter," he says of telling defense attorneys of the mistake.

McVeigh's attorney filed a petition, seeking to overturn the conviction. But the court ruled that the information, much of it phone records and interviews gathered by field offices across the country, would not have made a difference in his case. McVeigh was executed by lethal injection on June 11, 2001.

Three months later, the nation would once again be shaken by terrorism within our borders — this time in New York City, in suburban Washington, D.C., and in a field in Pennsylvania. Connelly, who was awarded the Attorney General's Award for Exceptional Service for his work on the case that was known as OKBOMB, stayed with the Department of Justice until 2002.

He returned to private practice with Hoffman, Reilly & Pozner, where he now specializes in complex civil actions and white-collar criminal litigation.

"I loved my time in government, but I never thought there'd be another challenge like that," he says of the Oklahoma City case.

After the Oklahoma City case, Connelly moved to the Denver area and worked out of the U.S. Attorney's office there. While there, he worked for Tom Strickland, a former U.S. Attorney for Colorado and now managing partner of Hogan & Hartson. Strickland says Connelly is an exemplary attorney.

"He did a superb job," Strickland says of Connelly's work after Strickland put him in charge of the appellate group. "There were a lot of great lawyers over there and a lot of great minds. ... and I consider Sean my lawyer. When I needed a final bit of input from a smart, thinking lawyer who had great knowledge and great judgment, I went to Sean." Strickland adds: "I trusted his legal judgment as much as anybody's in that office."

After so many years of working to put bad guys behind bars, Connelly says he wanted a change of perspective, a fresh look at the law from the other side of the aisle. His work defending people prosecuted for fraud and other white-collar cases has given Connelly a better understanding of the impact the government can have on lives, he says.

At all stages of a case — even those that never leave the investigation phase — Connelly says the government has tremendous power and can wield it. Even when, perhaps, it shouldn't. Many white-collar cases, Connelly says, are better left to the civil process than the criminal courts. Why? Because in so many cases, the question of whether a crime was committed — rather than simply a series of mistakes — is often hard to measure.

He currently represents a client who has been under investigation for the past year.

"This year has been just hell for that person," he says. "But even when the government thinks they can prove a crime, it may be better to just let the civil process work."

He adds, "Just because money was lost doesn't mean there was a crime committed."

Connelly is currently handling the appeal of Will Hoover, a former financial adviser convicted of 44 felony counts, including racketeering, securities fraud and theft. He was sentenced in July 2004 to 100 years in prison. Hoover represented 25 people, and several million dollars was lost. He has denied wrongdoing and is appealing his conviction and the length of his sentence.

In white-collar cases, Connelly says, it really boils down to intent.

"The answer is, it depends," he says when asked how to define white-collar crime. "You really have to get into a person's head. Did they intend to defraud someone?"

In many white-collar cases, attorneys walk a delicate balance on how to best represent their client and when to let their client testify to that intent. Often, civil cases are tried first. And defendants have no Fifth Amendment protection against self-incrimination. Then that civil testimony can be used against them in the criminal trial to follow. The attorney, Connelly says, has to look at multiple angles and strategies when working in the area of white-collar defense. After spending so many years prosecuting cases, Connelly says he's enjoying his new perspective.

Richard Slivka, general counsel for the Denver Broncos, says that Connelly has taken to his new line of work extremely well. They have worked together on the lawsuit filed by former Broncos owner Edgar Kaiser Jr., seeking to regain ownership of the team he sold in 1984. Connelly worked on the case at the trial level — Kaiser did not win the team but simply the rights to purchase 10 percent of it — but his heavy lifting now is on the appeal.

Kaiser appealed, the team cross-appealed, and Connelly is in the middle of building what the Broncos hope will be a successful case. Slivka says Connelly has earned the confidence of everyone who has worked with him.

“There are a number of extremely bright lawyers out there who are capable, and Sean is certainly one of those,” Slivka says. “What I like about Sean is not only is he very bright and very insightful, and a very good researcher, but he gets right down to the point.”

From a client’s point of view, an attorney who can cut through the time-consuming — and billable-hour-inducing — minutiae of a case is invaluable.

“He can work his way through the issues, not waste a bunch of time and energy on every issue, and then just frame what’s important,” Slivka says.

What’s important to Connelly, however, goes far beyond working in a law office. In many ways, the 47-year-old is pretty much the same as that regular, baseball-loving kid who grew up in Westchester County, N.Y. He and his brother, Neil, a physician living in Connecticut, were raised by their mother, Mary, after she divorced their father. Mary Connelly raised the boys on a nurse’s pay. Sean, Susan, Laura and Erin Connelly still head East to visit his mother and the rest of their family every year.

Except for reading — and travel — Connelly says he has no real hobbies. He’s still catching up on many of the literary classics he missed when baseball outranked schoolwork — and his ERA was higher than his GPA.

“It’s a good thing I decided my career lay somewhere else,” he says.