

Board of Professional Responsibility



Ethics Workshop

A dark, industrial interior, possibly a prison or a factory. The scene is dominated by a large, dark metal grate structure that fills most of the frame. A bright light source, possibly a window or a lamp, is visible through the grate, creating a strong contrast and casting shadows. The floor is dark and appears to be made of metal or concrete, with some reflections. The overall atmosphere is gritty and somber.

**MURDER
MOST
FOUL!**





Your search returned 3 result(s) as of 10/10/2021 11:42:55 AM

Last Name: darrow

First Name: clarence

Last Name Match: Exact

Status: All

Registration status changes may not be reflected on Lawyer Search until the following business day. Address information is not available online for retired judges or lawyers who are retired, inactive, deceased or who never registered with ARDC, due to privacy considerations or because ARDC never received those addresses.

Name ▼	Full Former Name(s)	City	State	Date Admitted	Authorized To Practice
Darrow, Clarence Allison				5/18/1971	Yes
Darrow, Clarence Michael				11/4/1999	Judge
Darrow, Clarence S.				9/18/1888	No

HARPER'S WEEKLY

JOURNAL OF CIVILIZATION

NEW YORK, SATURDAY, NOVEMBER 14, 1886

THE HARPER & BROTHERS
PUBLISHERS





We the jury, find the defendant
Patrick Eugene Bundergast, guilty
of murder, in manner and form
as charged in the indictment, and
we fix his punishment at death.

J. M. Blanchard
J. C. Reich
Alfred L. ...
Alfred W. ...
Chas. A. ...
A. J. ...
Sedgwick B. ...
Wm. R. White
J. H. S. ...
James Van ...
K. Gordon ...



THE PEOPLE *ex rel.* Charles S. Deneen, State's Attorney,

v.

CLEMENT J. BELINSKI.

Opinion filed December 16, 1903.

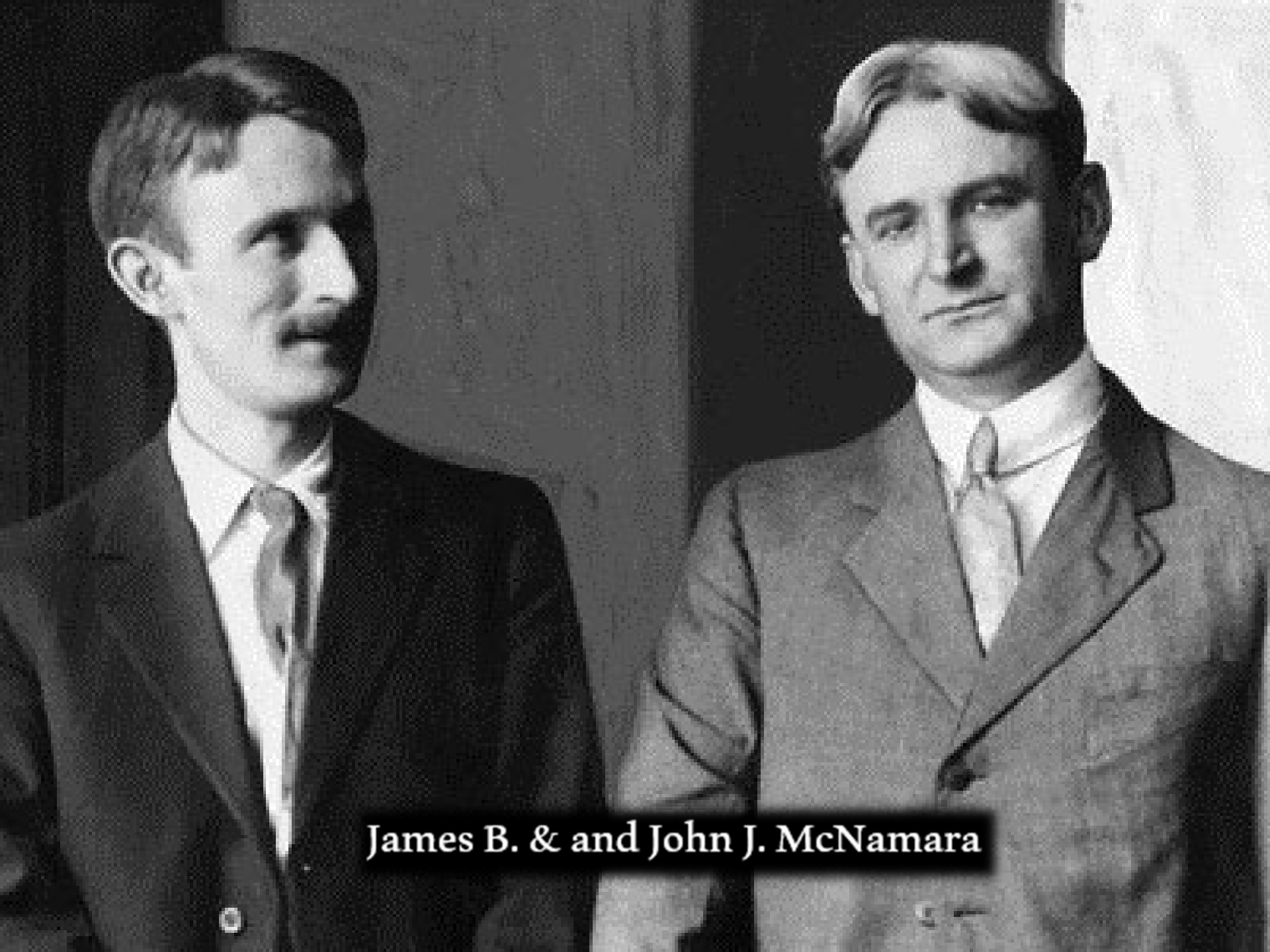
ATTORNEYS AT LAW—*what is ground for disbarment.* For an attorney to falsely represent to his client that he has filed a bill and procured a decree of divorce for him, giving him a copy of a fictitious decree, is cause for disbarment.

INFORMATION for disbarment.

WILLARD M. MCEWEN, DAVID S. GEER, JOHN T. RICHARDS, and FRANK B. PEASE, (FRED H. ATWOOD, and LOUIS B. DORR, of counsel,) for the relator.

DARROW & MASTERS, for the respondent.





James B. & and John J. McNamara





The Daily Capital Journal



VOL. XXII.

SALEM OREGON, SATURDAY, AUGUST 17, 1912.

No. 268.

DARROW ACQUITTED, JURY OUT ONLY 37 MINUTES

RESIGNS THE SUPERINTENDENCY OF THE BRANCH ASYLUM FOR INSANE

DR. HALL SAYS SITE IS BAD AND WATER UNFIT FOR USE-- BOWERMAN SELECTED SITE

+++++

Indians Killed Mexicans.

Mexico City, Aug. 17.—Sent to investigate the Serrano Indian uprising at Xla, Oaxaca state, 800 federals were first hospitably received and later ambushed by the Indians, according to reports received here today.

+++++

Called the Turn.

Vancouver, B. C., Aug. 17.—"Inflated, unreal statements that have no foundation except in the imagination of a lot of fingo jackasses," was the way Joseph Martin, formerly British Columbia's well known premier, but now the member for East St. Pancras in the British parliament, last night at the Hotel Vancouver, characterized the so-called German war scare.

MAYOR IS

FRIENDS ALMOST MOB DARROW IN SHOWING THEIR JOY OVER RESULT

+++++

Only Wants His Money.

San Francisco, Aug. 17.—An ineffectual attempt was made here today by David Napping, the Illinois farmer, through his counsel to secure the release of Mrs. Alice J. Brown, the former Los Angeles cloak model, whom Napping alleges fleeced him out

VERDICT IS GREETED WITH A WILD TEMPEST OF CHEERS HUNDREDS SILENTLY WEEP



CALENDAR—*May*, 1924



BY
A.M.B.

Uniform Quality
SOCONY
GASOLINE
 Best Results

CAI

1924

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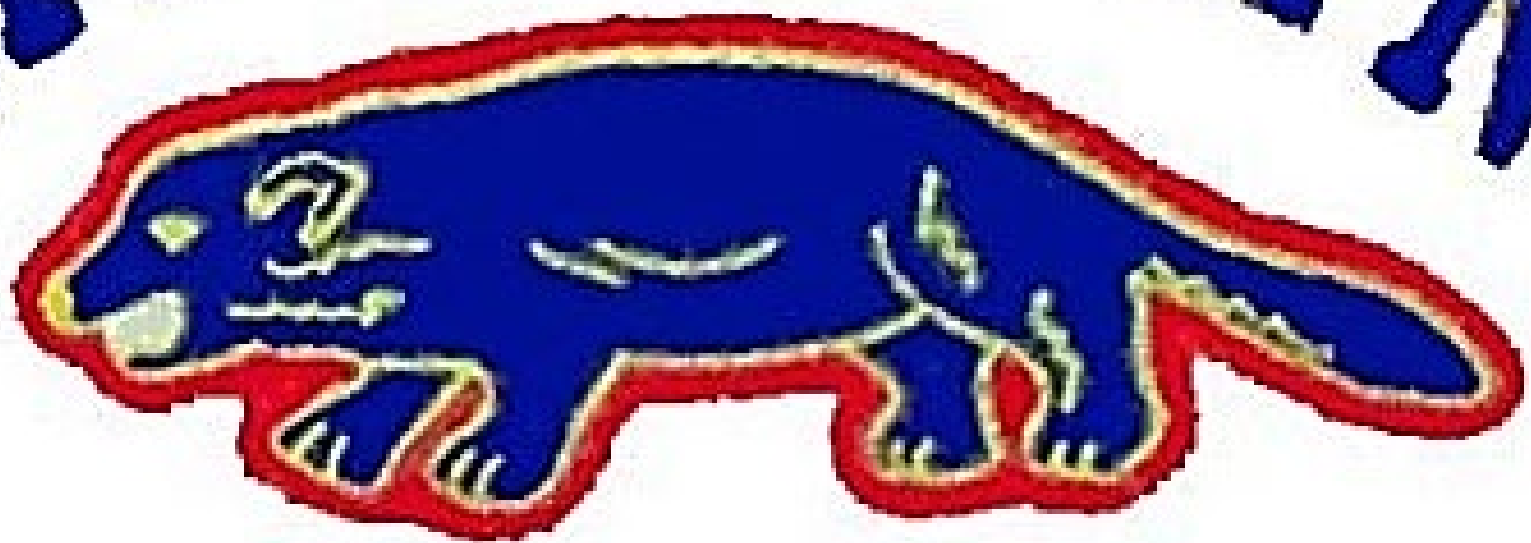
LITCHFIELD CORP. N.Y.

Standard Oil Co. of New York





MICHIGAN







UChicago™

FANS WELCOME

MAROONS



FRIEDRICH NIETZSCHE

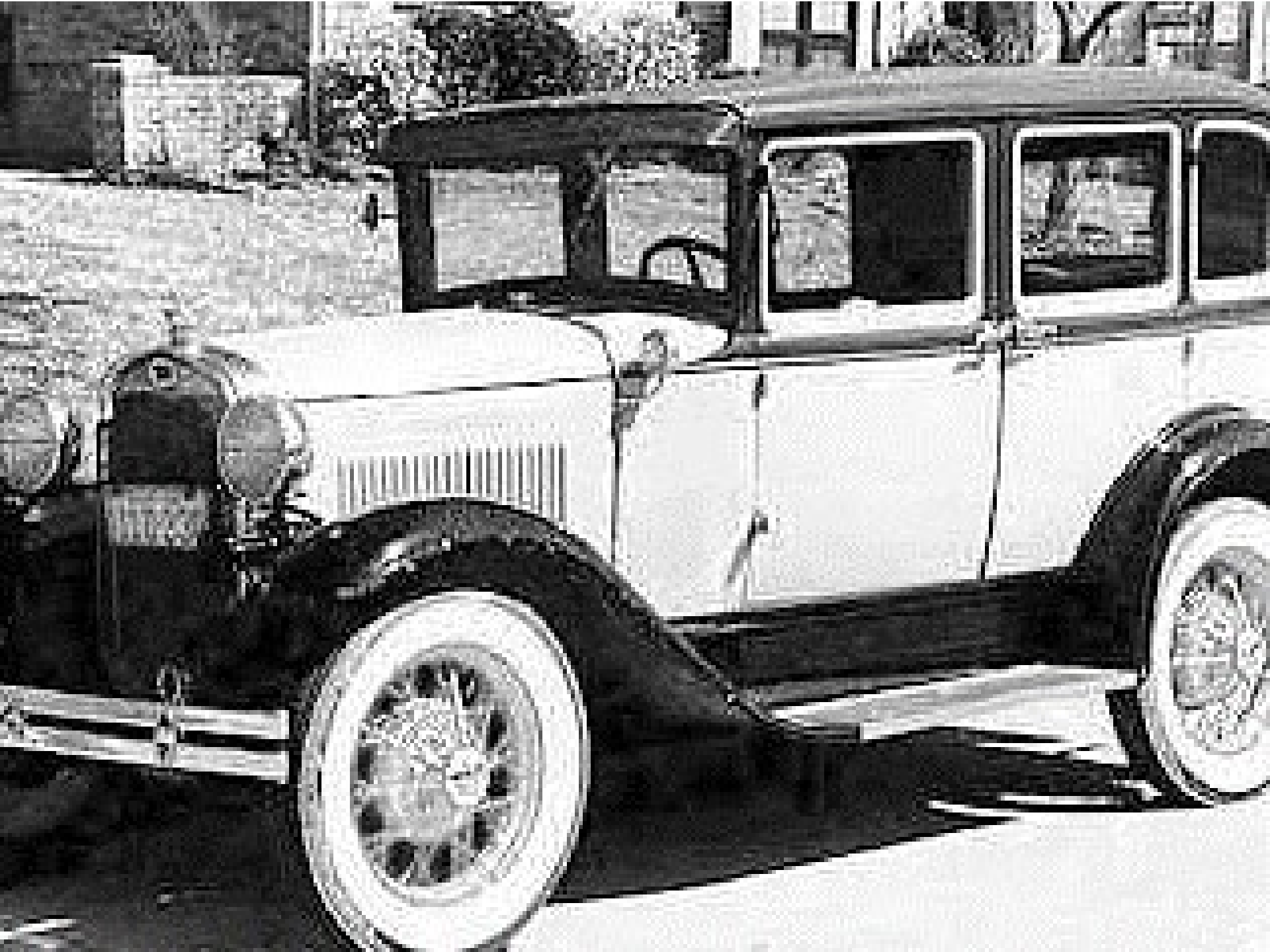
THUS SPAKE
ZARATHUSTRA

A BOOK FOR ALL & NONE

This is what Nietzsche himself in "Ecce Homo" says about "Zarathustra":

"This work stands alone. Do not let us mention the poets in the same breath: nothing perhaps has ever been produced out of such a superabundance of strength. My concept 'Dionysian' here became the *highest deed*; compared with it everything that other men have done seems poor and limited. The fact that a Goethe or a Shakespeare would not for an instant have known how to take breath in this atmosphere of passion and of the heights; the fact that by the side of Zarathustra, Dante is no more than a believer, and not one who first *creates* the truth—that is to say, not a world-ruling spirit, a *Fate*; the fact that the poets of the Veda were priests and not even fit to unfasten Zarathustra's sandal—all this is the least of things, and gives no idea of the distance, of the azure solitude, in which this work dwells. Zarathustra has an eternal right to say: 'I draw around me circles and holy boundaries. Ever fewer are they that mount with me to ever loftier heights. I build me a mountain range of ever holier mountains.' If all the spirit and goodness of every great soul were collected together, the whole could not create a single one of Zarathustra's discourses."

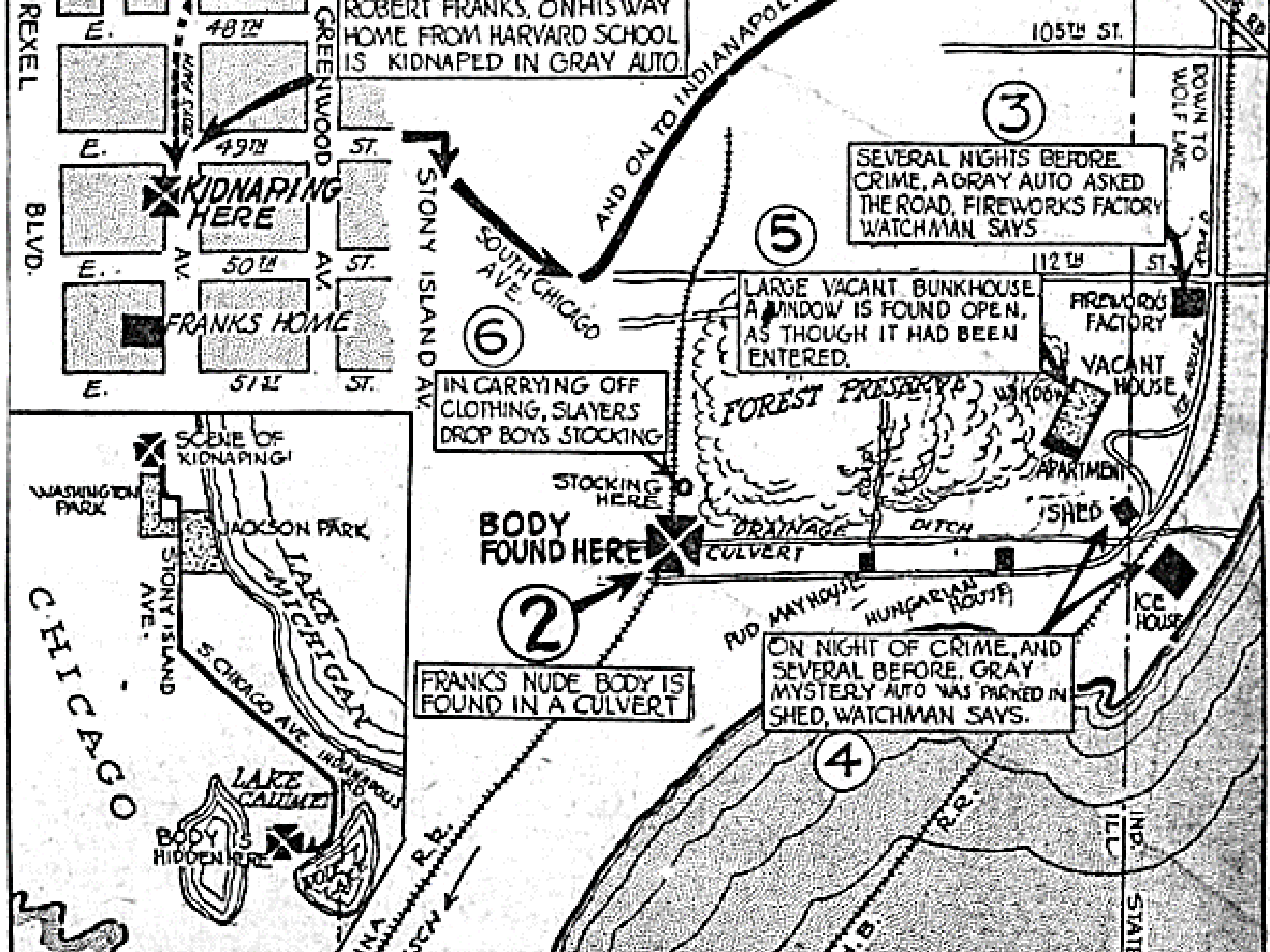
WITH AN INTRODUCTION BY
DR. OSCAR LEVY











ROBERT FRANKS, ON HIS WAY HOME FROM HARVARD SCHOOL IS KIDNAPED IN GRAY AUTO.

KIDNAPING HERE

FRANKS HOME

AND ON TO INDIANAPOLIS
SOUTH CHICAGO
STONY ISLAND AVE.

SEVERAL NIGHTS BEFORE CRIME, A GRAY AUTO ASKED THE ROAD. FIREWORKS FACTORY WATCHMAN SAYS

LARGE VACANT BUNKHOUSE A WINDOW IS FOUND OPEN, AS THOUGH IT HAD BEEN ENTERED.

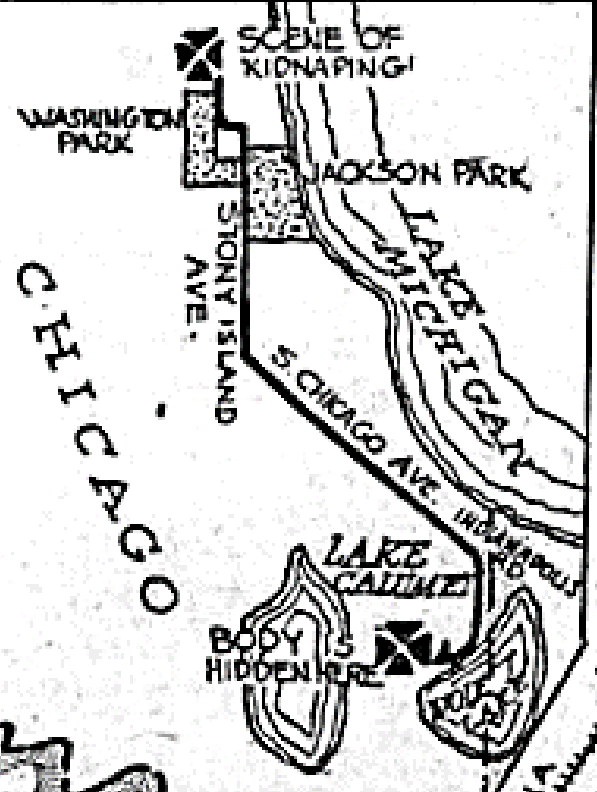
IN CARRYING OFF CLOTHING, SLAYERS DROP BOYS STOCKING

STOCKING HERE

BODY FOUND HERE

FRANKS NUDE BODY IS FOUND IN A CULVERT

ON NIGHT OF CRIME, AND SEVERAL BEFORE, GRAY MYSTERY AUTO WAS PARKED IN SHED, WATCHMAN SAYS.



CHICAGO

REXEL BLVD.

105TH ST.

3

5

6

2

4

DOWN TO WOLF LAKE

12TH ST.

FIREWORKS FACTORY

VACANT HOUSE

FOREST PRESERVE

APARTMENT

SHED

CULVERT

RUD MAYHOUSE

HUNGARIAN HOUSE

ICE HOUSE

SCENE OF KIDNAPING!

JACKSON PARK

LAKE MICHIGAN

S. CHICAGO AVE.

INDIANA R.R.

LAKE CALUMET

BODY IS HIDDEN HERE

IND. STATE



Dear Sir:

Proceed immediately to the back platform of the train. Watch the east side of the track. Have your package ready. Look for the first LARGE, RED, BRICK factory situated immediately adjoining the tracks on the east. On top of this factory is a large, black watertower with the word CHAMPION written on it. Wait until you have COMPLETELY passed the south end of the factory - count five very rapidly and then IMMEDIATELY throw the package as far east as you can.

Remember that this is your only chance to recover your son.

Yours truly,

GEORGE JOHNSON

WEDNESDAY, APRIL 23, 1947
PUBLISHED DAILY, EXCEPT SUNDAYS AND HOLIDAYS
1000 N. MICHIGAN ST., CHICAGO, ILL. 60611
CITY OFFICE: 312-467-1000
COUNTRYSIDE OFFICE: 312-467-1000
TELEPHONE: 312-467-1000

KIDNAP RICH BOY; KILL HIM

COURT MINDS LEAGUE WINS I.P. SENATORS

Upper Plains Man Eats in Phoenix

PHOENIX, April 22 (AP)—A man from the Upper Plains region of the United States was reported to have eaten a meal in Phoenix, Arizona, on Tuesday. The man, who is believed to be a member of the Black Legion, was seen at a restaurant in the city. He was wearing a dark suit and a hat. The man's name is not known. He is believed to be a member of the Black Legion, a notorious criminal organization. The man was seen at a restaurant in the city. He was wearing a dark suit and a hat. The man's name is not known. He is believed to be a member of the Black Legion, a notorious criminal organization.

NEWS SUMMARY

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A WOODWARD'S SPECIAL STORY



UNCLE SAM CAN PAY BONDS AND STILL CUT TAX

WASHINGTON, April 22 (AP)—The Treasury Department today announced that it will pay bonds to holders of U.S. government securities who are also paying income taxes. The department said that it will pay the bonds to the holders of the securities who are also paying income taxes. The department said that it will pay the bonds to the holders of the securities who are also paying income taxes. The department said that it will pay the bonds to the holders of the securities who are also paying income taxes.

LETTER WITH DEATH THREAT SENT FATHER

CHICAGO, April 22 (AP)—A letter with a death threat was sent to the father of a young boy who was kidnapped in Chicago last week. The letter was found in a mailbox in the city. The letter was addressed to the father of the boy. The letter was found in a mailbox in the city. The letter was addressed to the father of the boy. The letter was found in a mailbox in the city. The letter was addressed to the father of the boy.

ROBERT FRANKS IS VICTIM OF MYSTERY DEATH

CHICAGO, April 22 (AP)—Robert Franks, a young boy who was kidnapped in Chicago last week, was reported to have died in a hospital. The boy was found in a room in the city. The boy was found in a room in the city. The boy was found in a room in the city. The boy was found in a room in the city.



**ROBERT FRANKS
IS VICTIM OF
MYSTERY DEATH**

**Question 3 of His
Instructors.**

THE MURDERER

(Copyright 1921 by The Chicago Tribune)



As he knows the circle is closing in.

McGowan

BELIEVE MORON KILLED BOY; TYPEWRITER AND AUTO CLEWS

WORLD PLAN SET SATURDAY

... ..

... ..

... ..

Self-Defense Beulah's Plea in Murder Case

Beulah

... ..

... ..

... ..

Victim of Mystery Murder



Moses to Pay Franks Letter Bonus in Cash

SWAMP MURDER WORK OF NEIGHBORHOOD AMATEUR, CHIEF OF DETECTIVES SAYS

Chief

... ..

... ..

... ..

Baseball scores and other news items.



LaSalle Hotel



LAW SCHOOL, UNIVERSITY OF CHICAGO



City of Chicago
Daily - 854,454
Sunday - 950,921

Chicago Daily Tribune

FINAL EDITION

WEDNESDAY, MAY 21, 1936 - 10 PAGES - 44 PAGES TWO CENTS (OTHER CITIES)

SHAKE LEOPOLD-LOEB ALIBI

COOLIDGE FOR U.S. KNOTTED TO WORLD COURT

'Retraction' Seen In Blunt Address.

W. W. WHEATLEY, SECRETARY

W. W. Wheatley, secretary of the American League for World Peace, said today that the League would support the nomination of Coolidge to the World Court.

Wheatley is blunt in his statement that the League would support the nomination of Coolidge to the World Court.

Wheatley is blunt in his statement that the League would support the nomination of Coolidge to the World Court.

NEWS SUMMARY

COOLIDGE
Wheatley said today that the League would support the nomination of Coolidge to the World Court.

FRANKS
The Franks case is expected to be decided in the next few days.

INDIANA
Indiana's crowded hours are expected to be a busy one.

HERETIC
The heretic's defense is expected to be a strong one.

BRITISH LORDS
The British lords' case is expected to be a long one.

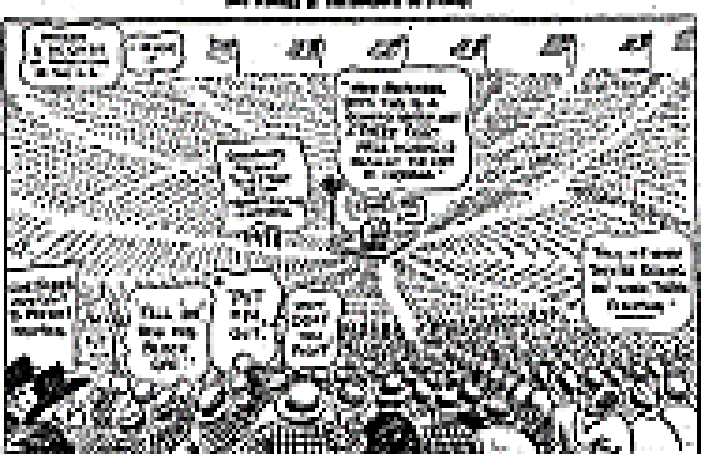
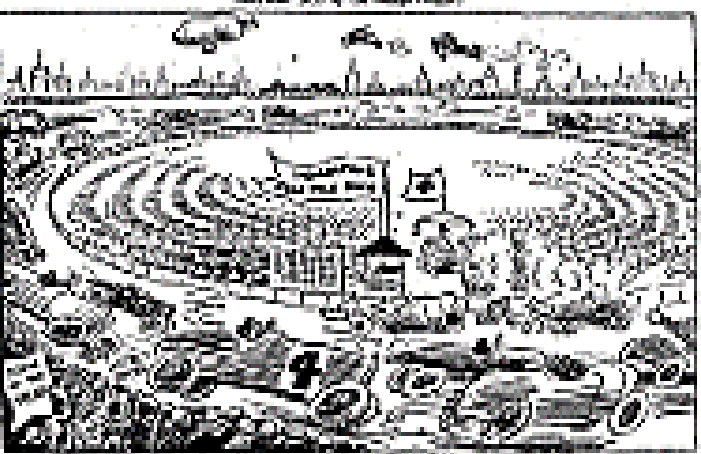
FRANKS CASE
The Franks case is expected to be a long one.

INDIANA'S CROWDED HOURS
Indiana's crowded hours are expected to be a busy one.

HERETIC'S DEFENSE
The heretic's defense is expected to be a strong one.

BRITISH LORDS
The British lords' case is expected to be a long one.

INDIANA'S CROWDED HOURS



'HERETIC,' BUT BELIEVESEVERY WORD IN BIBLE

Brown's Defense Is 'Interpretation.'

Heretic's defense is expected to be a strong one.

British Lords O.K. 'Dream' Babe of Peer

The British lords' case is expected to be a long one.

FRANKS CASE SUSPECTS UPSET BY CHAUFFEUR

Auto in Garage All Evening, He Says.

The Franks case is expected to be a long one.

Heretic's defense is expected to be a strong one.

The British lords' case is expected to be a long one.

The Franks case is expected to be a long one.

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The British lords' case is expected to be a long one.

The Franks case is expected to be a long one.



WEALTHY YOUTHS CONFESS MURDER AND KIDNAPING

Students at a Chicago University Admit Killing Franks Boy, According to State's Attorney Crowe of Chicago

(By Associated Press)

Chicago, May 14—Joseph E. Crowe, state attorney, announced today that Nathan H. Leopold, Jr., and Richard Louis, wealthy brothers of wealthy Chicago families and both now graduates of a university here, had admitted that they kidnaped and murdered 15-year-old Edward Franks, son of Jacob Franks, industrialist, inventor and manufacturer. They also they planned a kidnapping in 1934, but had November 1935 through a series of blunders and mistakes they missed the chance when they attempted, said Mr. Crowe, "the point had they determined upon to kidnap him, and that the kidnaping and murder of young Franks was accidental. The program was carried out in every detail as planned, including the victim's death. Mr. Crowe said Leopold and Louis confessed.

He said Leopold admitted paying a fellow to the father of the Franks boy amounting \$10,000 and that the accomplice used to give away that \$10,000 with a \$1000 a month. "The friends of the victim's saw the boy's body packed out into the streets," said Mr. Crowe. "I was through them that the kidnaping and killing

discovery will end the existing charges upon young Franks. They have not been charged, he said, but he expects to have them tried today.

Members of the faculty at both available programs entered in building the files of the young accused. "Joseph E. Crowe said they intend to go to the state of Illinois, he said, to see the son of Albert L. Crowe, now president of the Board of Directors of the University of Chicago, and to see the mother, as well as to see the father, and to see the other side.

The state attorney was joined by a group of the state and the Chicago State University today declared. He said the state will use the fact to make the boys' state attorney Crowe added that the boys were to be tried in the state and to be tried in the state. The state attorney said the boys were to be tried in the state and to be tried in the state.

Crowe and Louis said, however, the state of Illinois is the state with the state. The kidnapping of the boy's life was stated by the state attorney Crowe declared. Crowe said he intended to go to the state.

Chicago
May 14
The
state
attorney
Crowe
today
announced
that
Nathan
H. Leopold,
Jr., and
Richard
Louis, wealthy
brothers of
wealthy
Chicago
families and
both now
graduates of
a university
here, had
admitted
that they
kidnaped
and
murdered
15-year-old
Edward
Franks,
son of
Jacob
Franks,
industrialist,
inventor
and
manufacturer.
They also
they
planned
a
kidnaping
in 1934,
but had
November
1935
through
a series
of
blunders
and
mistakes
they
missed
the
chance
when
they
attempted,
said
Mr. Crowe,
"the
point
had
they
determined
upon
to
kidnap
him,
and
that
the
kidnaping
and
murder
of
young
Franks
was
accidental.
The
program
was
carried
out
in
every
detail
as
planned,
including
the
victim's
death.
Mr. Crowe
said
Leopold
and
Louis
confessed.









CANONS OF ETHICS.

6. ADVERSE INFLUENCES AND CONFLICTING INTERESTS

It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

Rule 1.7: Conflict of Interest: Current Clients



(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Rule 1.7 Conflict of Interest: Current Clients - Comment



[23] Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the clients' consent. On the other hand, simultaneous representation of parties whose interests in litigation may conflict, such as coplaintiffs or codefendants, is governed by paragraph (a)(2). A conflict may exist by reason of substantial discrepancy in the parties' testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

Rule 1.7 Conflict of Interest: Current Clients - Comment



[23] Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the lawyer's motive or the representation of parties who are not adverse to each other. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

Tenn. R. Sup. Ct. 1.7

RULE 1.7- CONFLICT OF INTEREST: CURRENT CLIENTS

(A) EXCEPT AS PROVIDED IN PARAGRAPH (B), A LAWYER SHALL NOT REPRESENT A CLIENT IF THE REPRESENTATION INVOLVES A CONCURRENT CONFLICT OF INTEREST. A CONCURRENT CONFLICT OF INTEREST EXISTS IF:

(1) THE REPRESENTATION OF ONE CLIENT WILL BE DIRECTLY ADVERSE TO ANOTHER CLIENT; OR

(2) THERE IS A SIGNIFICANT RISK THAT THE REPRESENTATION OF ONE OR MORE CLIENTS WILL BE MATERIALLY LIMITED BY THE LAWYER'S RESPONSIBILITIES TO ANOTHER CLIENT, A FORMER CLIENT OR A THIRD PERSON OR BY A PERSONAL INTEREST OF THE LAWYER.

[23] PARAGRAPH (B)(3) PROHIBITS REPRESENTATION OF OPPOSING PARTIES IN THE SAME LITIGATION, REGARDLESS OF CONSENTABILITY. ON THE OTHER HAND, SIMULTANEOUS REPRESENTATION OF PARTIES WHOSE INTERESTS IN LITIGATION MAY CONFLICT, SUCH AS COPLAINTIFFS OR CODEFENDANTS, IS GOVERNED BY PARAGRAPH (A)(2). A CONFLICT MAY EXIST BY REASON OF SUBSTANTIAL DISCREPANCY IN THE PARTIES' TESTIMONY, INCOMPATIBILITY IN POSITIONS IN RELATION TO AN OPPOSING PARTY, OR THE FACT THAT THERE ARE SUBSTANTIALLY DIFFERENT POSSIBILITIES OF SETTLEMENT OF THE CLAIMS OR LIABILITIES IN QUESTION. SUCH CONFLICTS CAN ARISE IN BOTH CIVIL AND CRIMINAL CASES.

Tenn. R. Sup. Ct. 1.7

(c) A LAWYER SHALL NOT REPRESENT MORE THAN ONE CLIENT IN THE SAME CRIMINAL CASE OR JUVENILE DELINQUENCY PROCEEDING, UNLESS:

(1) THE LAWYER DEMONSTRATES TO THE TRIBUNAL THAT GOOD CAUSE EXISTS TO BELIEVE THAT NO CONFLICT OF INTEREST PROHIBITED UNDER THIS RULE PRESENTLY EXISTS OR IS LIKELY TO EXIST; AND

(2) EACH AFFECTED CLIENT GIVES INFORMED CONSENT.

COMMON REPRESENTATION OF CO-DEFENDANTS IN CRIMINAL OR JUVENILE DELINQUENCY PROCEEDINGS

[35] THE POTENTIAL FOR CONFLICT OF INTEREST IN REPRESENTING MULTIPLE DEFENDANTS IN A CRIMINAL CASE OR IN JUVENILE DELINQUENCY PROCEEDINGS IS SO GRAVE THAT ORDINARILY A LAWYER SHOULD DECLINE TO REPRESENT MORE THAN ONE CO-DEFENDANT. HOWEVER, WHERE THE LAWYER CHOOSES TO UNDERTAKE SUCH A JOINT REPRESENTATION, PARAGRAPH (C) REQUIRES THAT THE LAWYER DEMONSTRATE TO THE SATISFACTION OF THE TRIBUNAL THAT GOOD CAUSE EXISTS TO BELIEVE THAT NO CONFLICT OF INTEREST PROHIBITED BY PARAGRAPH (B) PRESENTLY EXISTS OR IS LIKELY TO EXIST IN THE FUTURE. THIS SHOWING REFLECTS THE SAME STANDARD CURRENTLY REQUIRED BY TENNESSEE RULE OF CRIMINAL PROCEDURE 44(c).

[36] HOWEVER, TO AVOID THE PREMATURE DISCLOSURE OF DEFENSE TACTICS, STRATEGY, OR OTHER INFORMATION RELATING TO THE REPRESENTATION, DEFENSE COUNSEL MAY REQUEST THAT THE TRIBUNAL HOLD AN EX PARTE HEARING TO DETERMINE THE PROPRIETY OF THE JOINT REPRESENTATION. SEE RPC 3.3(A)(3) (SETTING FORTH A LAWYER'S DUTY OF CANDOR IN AN EX PARTE HEARING); SEE ALSO RPC 3.5(B) (PERMITTING A LAWYER TO SPEAK EX PARTE TO A JUDGE WHEN PERMITTED TO DO SO BY LAW). ONCE THE TRIBUNAL IS SATISFIED THAT NO GOOD CAUSE EXISTS TO BELIEVE THAT A CONFLICT OF INTEREST CURRENTLY EXISTS OR IS LIKELY TO EXIST, A REBUTTABLE PRESUMPTION ARISES THROUGHOUT THE PROCEEDINGS THAT THE JOINT REPRESENTATION COMPORTS WITH THE REQUIREMENTS OF THIS RULE. HOWEVER, THIS PRESUMPTION IN NO WAY RELIEVES COUNSEL OF ANY DUTY IMPOSED UNDER THESE RULES SHOULD SUCH AN ACTUAL CONFLICT OF INTEREST LATER ARISE.



THREE CENTS
CITY & COUNTY

The Morning Post.

THE FRONT PAGE

BY BEN HECHT AND CHARLES MACARTHUR

From the Play as Produced by
JED HARRIS

Adaptation by

CITY MARRIED
NO CONTEST

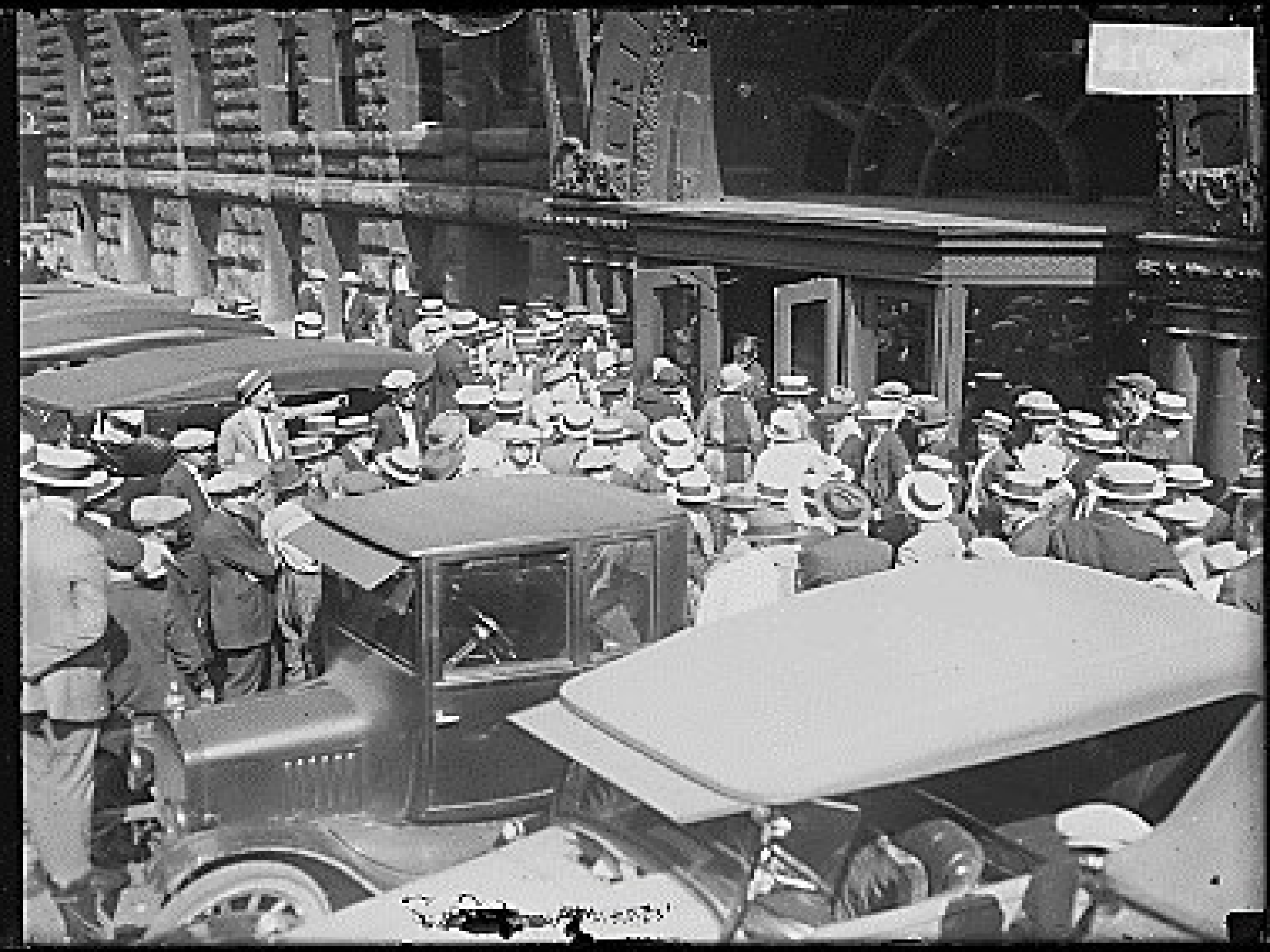
NEW CONTINENT
FIELD BEING IN
MAYBE OVER

THIRD CRASH
KILLS SEVEN
FIRE ENGINEER
HEAD OF WALL

GRIZARD AGAIN
BIZES SENATE
ON DAY ASSASSIN

CHICAGO











"All the News That's
Fit to Print."

VOL. LXXIII... No. 24,286.

SLAYERS OF FRANKS BOTH PLEAD GUILTY; JUDGE HOLDS FATE

Tense Audience Hears Darrow
Throw Leopold and Loeb

Socialist Ends Begun to Aid

Copyright, 1934, by
Special Cable to
PARIS, July 2
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Closing Argument
The State of Illinois v. Nathan Leopold & Richard Loeb
Delivered by Clarence Darrow
Chicago, Illinois, August 22, 1924

Your Honor, it has been almost three months since the great responsibility of this case was assumed by my associates and myself. It has been three months of great anxiety. A burden which I gladly would have been spared excepting for my feelings of affection toward some of the members of one of these unfortunate families.

Our anxiety over this case has not been due to the facts that are connected with this most unfortunate affair, but to the almost unheard of publicity it has received; to the fact that newspapers all over this country have been giving it space such as they have almost never before given to any case. The fact that day after day the people of Chicago have been regaled with stories of all sorts about it, until almost every person has formed an opinion. And when the public is interested and demands a punishment, no matter what the offense, great or small, it thinks of only one punishment, and that is death. It may not be a question that involves the taking of human life; it may be a question of pure prejudice alone; but when the public speaks as one man, it thinks only of killing.

It was announced that there were millions of dollars to be spent on this case. Wild and extravagant stories were freely published as though they were facts. Here was to be an effort to save the lives of two boys by the use of money in fabulous amounts. We announced to the public that no excessive use of money would be made in this case, neither for lawyers nor for psychiatrists, or in any other way. We have faithfully kept that promise. The psychiatrists are receiving a per diem, and only a per diem, which is the same as is paid by the state. The attorneys, at their own request, have agreed to take such amount as the officers of the Chicago Bar Association may think proper in this case. If we fail in this defense it will not be for lack of money. It will be on account of money. Money has been the most serious handicap that we have met. There are times when poverty is fortunate.

I insist, Your Honor, that had this been the case of two boys of these defendants' age, unconnected with families of great wealth, there is not a state's attorney in Illinois who could not have consented at once to a plea of guilty and a punishment in the penitentiary for life. Not one. No lawyer could have justified any other attitude. No prosecution could have justified it.

We are here with the lives of two boys imperiled, with the public aroused. For what? Because, unfortunately, the parents have money. Nothing else.

I have heard in the last six weeks nothing but the cry for blood. I have heard from the office of the state's attorney only ugly hate. I have heard precedents quoted which would be a disgrace to a savage race. I have seen a court urged almost to the point of threats to hang two boys, in the face of science, in the face of philosophy, in the face of humanity, in the face of experience, in the face of all the better and more humane thought of the age.

Why, Mr. Savage [one of the prosecutors] says age makes no difference, and that if this court should do what every other court in Illinois has done since its foundation, and refuse to sentence these boys to death, none else would ever be hanged in Illinois.

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12 Hours

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HERALD CHICAGO EXAMINER

HOME EDITION

Telephone Main 1000 WEDNESDAY, SEPTEMBER 14, 1934. PRICE 3 CENTS

LEOPOLD AND LOEB HEAR SENTENCE TODAY POLICE ARMY GUARDS JUDGE CAVERLY

LOEB AND LEOPOLD GET LIFE

LATE BASEBALL SCORES

WINS OF THE NATIONAL LEAGUE
 Cincinnati 4, St. Louis 3
 Boston 4, Philadelphia 3
 Chicago 4, New York 3
 Pittsburgh 4, Brooklyn 3
 St. Paul 4, Cleveland 3
 Milwaukee 4, Detroit 3

WINS OF THE AMERICAN LEAGUE
 Detroit 4, Philadelphia 3
 Cleveland 4, St. Louis 3
 Chicago 4, New York 3
 Boston 4, Pittsburgh 3
 Washington 4, Cincinnati 3
 Kansas City 4, Milwaukee 3

NEWTN LOEB FIGHT IN HOPPER TRANSFER

Franklin D. Roosevelt, New York, Sept. 25.—(AP)—Newt Loeb, indicted for the slaying of Philip Morris, is expected to fight in the transfer of Hopper to the Federal House of Representatives.

WINDMILL FLEET TO TALK KILLERS' MINDS

Chicago, Sept. 25.—(AP)—A fleet of windmills, each with a sign on its sails, will be used to talk the minds of the Loeb-Leopold killers.

JUDGE SCORES CRIME, DECLARES BOYS' SANE IN 'MERCY SENTENCE'

Chicago, Sept. 25.—(AP)—Judge James H. Connelley, in a landmark decision, today sentenced the Loeb-Leopold boys to life imprisonment, declaring them sane and guilty of first-degree murder.

WINDMILL FLEET TO TALK KILLERS' MINDS

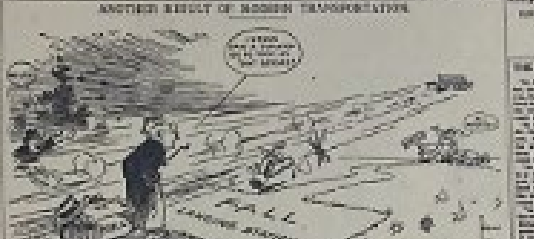
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JUST PUBLISHED !!

PLEA OF

Clarence Darrow

In Defence of

Leopold and Loeb

A Verbatim Report

Price 40 Cents

Darrow, who makes a business of defending the country's most notorious criminals merely for philanthropic reasons, admits getting \$65,000 for the defense of Loeb and Leopold, and says he "should have had four times that much." Philanthropy comes high these days.

The Tampa Tribune, January 11, 1928

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al



<i>St. Alex.</i>	<i>Blair's</i>	Comp.
	<i>Studeas</i>	Weight.





2B 23

THE SCOPES TRIAL

Here, from July 10 to 21, 1925, John Thomas Scopes, a county high school teacher, was tried for teaching that man descended from a lower order of animals. In violation of a lately passed state law. William Jennings Bryan assisted the prosecution; Clarence Darrow, Arthur Garfield Hays and Dudley Field Malone the defense. Scopes was convicted.

MEMPHIS HISTORICAL COMMISSION

T.T. MARTIN, HEADQUARTERS
ANTI-EVOLUTION LEAGUE
"THE CONFLICT" - HELL & THE HIGH SCHOOL

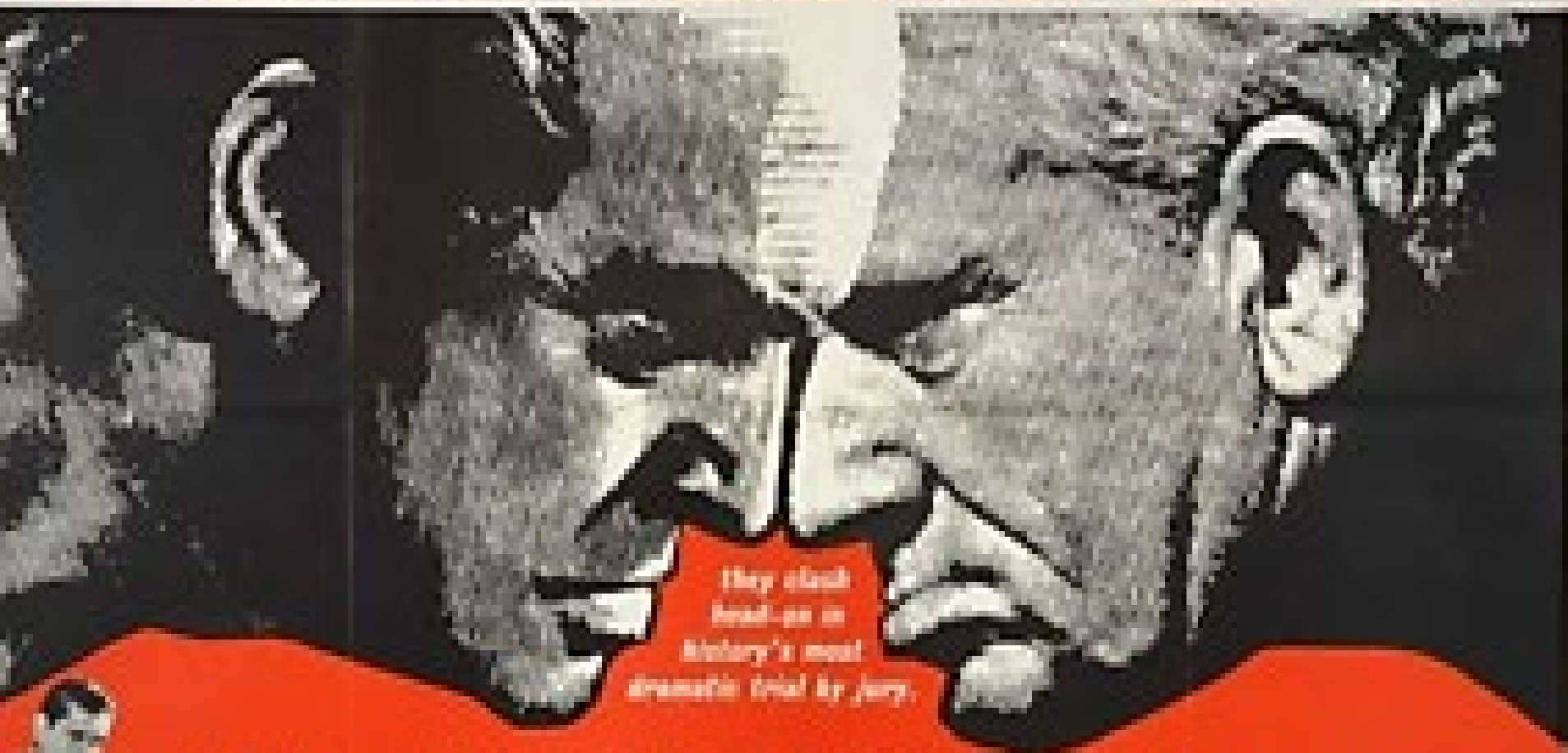
BRYAN'S
BOOKS
HERE

HELL and the
High Schools





SPENCER TRACY / FREDRIC MARCH / GENE KELLY



*They clash
head-on in
history's most
dramatic trial by jury.*

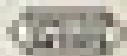
in Stanley Kramer's Production of

INHERIT THE WIND.

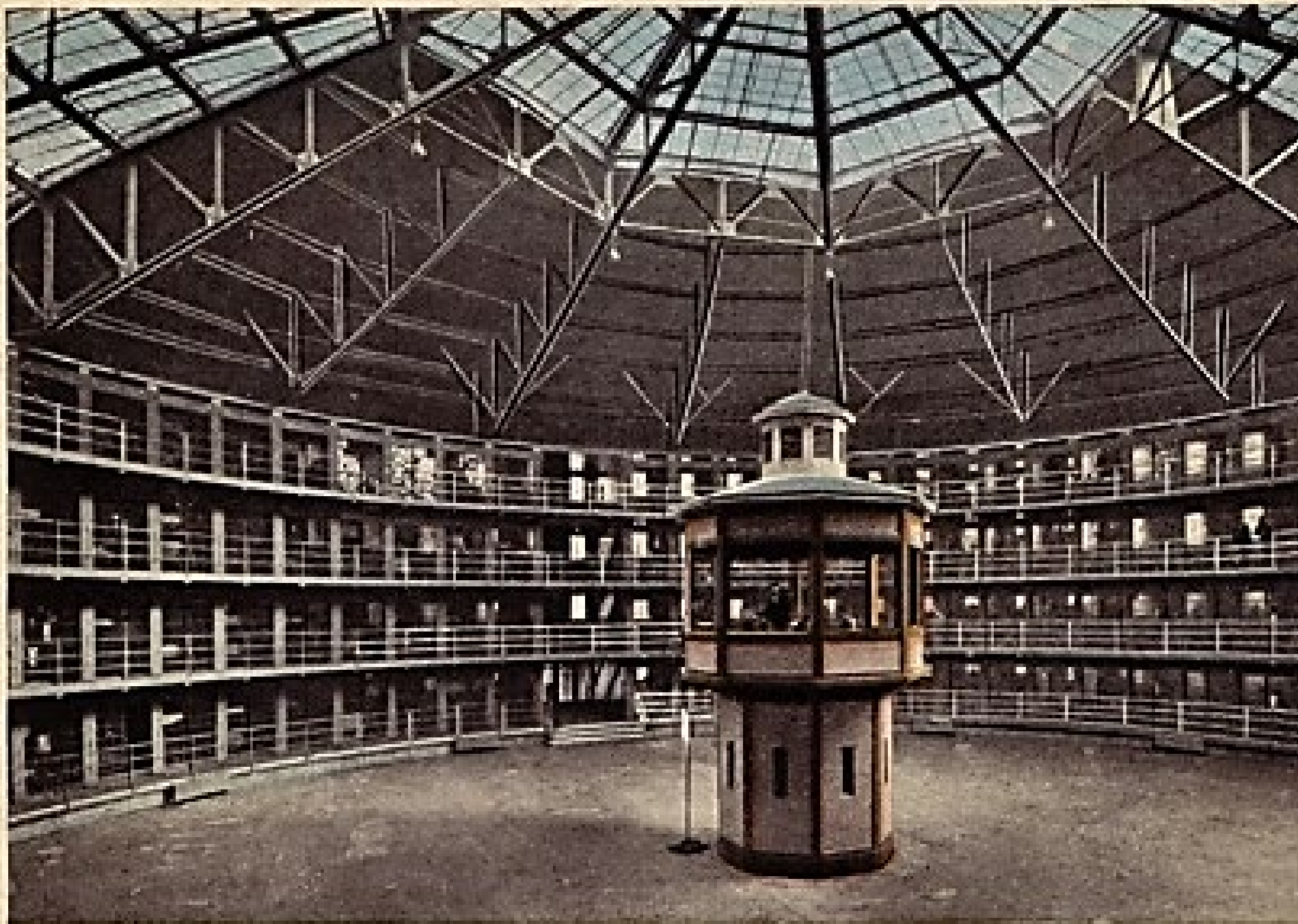
**with Dick York - Donna Anderson - Harry Morgan - Claude Akins
and Florence Eldridge**

Screenplay by **ROBERT E. DOUGLAS** and **WALDO JACOB SMITH**

Based upon the play by **JOHN LUTHERLONG** and **ROBERT E. SMITH** - Produced and Directed by **STANLEY KRAMER**



Interior View of Cell House, new Illinois State Penitentiary at Stateville, near Joliet



subway without tearing down
 present elevated structure.
 elevated will come down after
 the board's action indi-
 cation, the board's action indi-
 The decision was a distinct
 for the Democratic ma-
 of the board, led by Con-
 Frank J. Taylor.
 The same time the board gave
 its first but very tentative
 approval to the Seabury-Berle
 1000 transit unification plan
 authorizing the Mayor to send
 a Transit Commission the
 plan worked out by Sam-
 Seabury and A. A. Berle Jr.,
 Chamberlain, and to request
 the commission to "proceed as ex-
 pedient as possible in the mat-
 ter."
 Seen as Draw.
 In the light of the fact that
 at a glance it appeared that
 for the day had been
 Mayor getting approval
 of the unification plan and the
 Democratic members winning in
 the vote to stay the elevated
 structure until after the city owns
 it, Mayor La Guardia

miscellaneous industries.

CONVICT KILLS LOEB, FRANKS BOY SLAYER

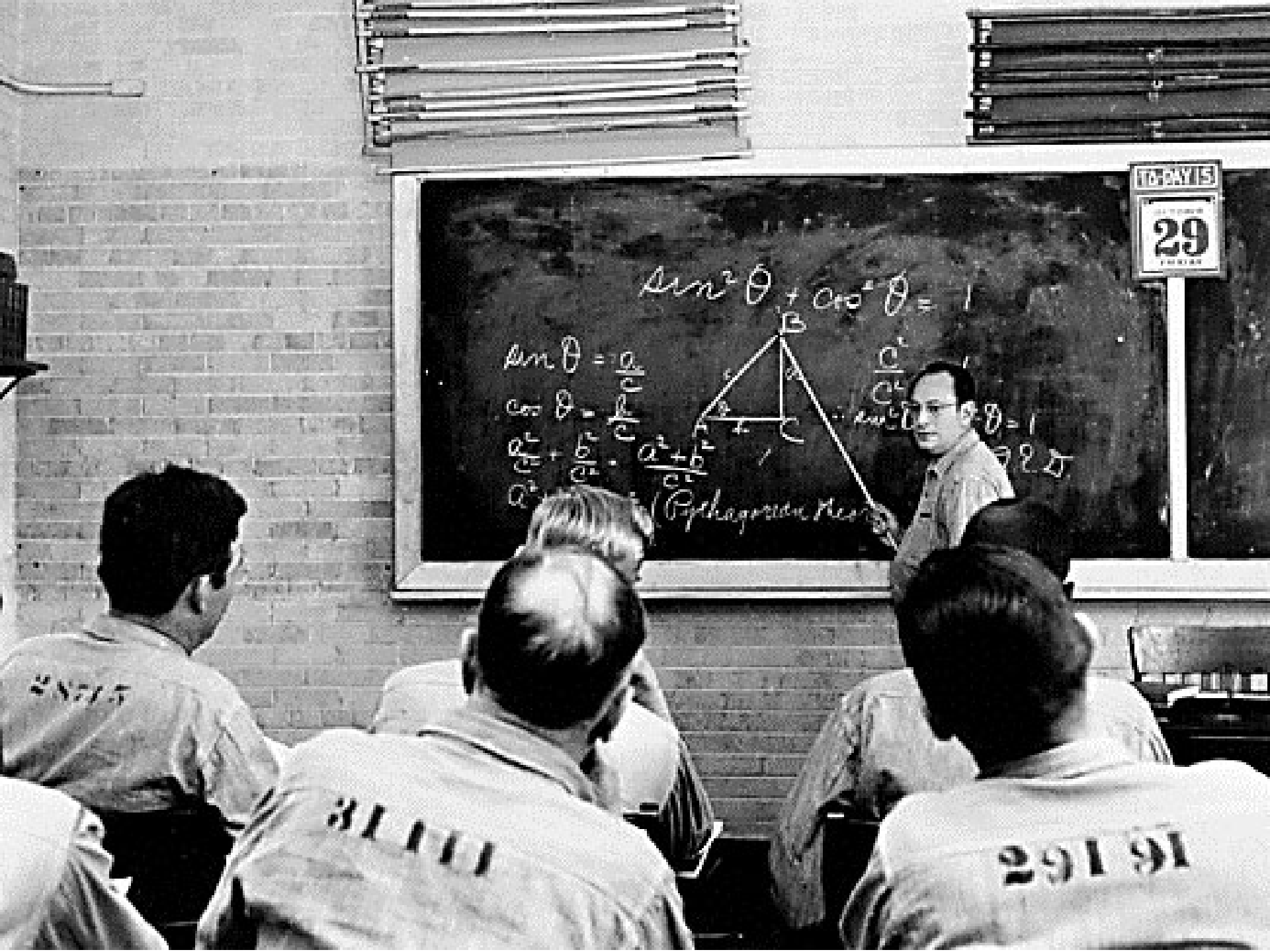
Chicago Murderer Serving Life
 for 'Perfect Crime' Slashed
 With Razor in Brawl.

LONG JOLIET FEUD ENDED

Assailant Was Aide to Victim
 in Prison School—Crime in
 1924 Shocked Nation.

Special to THE NEW YORK TIMES.
 JOLIET, Ill., Jan. 28.

Asbury Park.
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TRIPPLIS
JULY 29
TUESDAY

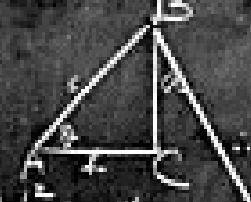
$$\sin^2 \theta + \cos^2 \theta = 1$$

$$\sin \theta = \frac{a}{c}$$

$$\cos \theta = \frac{b}{c}$$

$$\frac{a^2}{c^2} + \frac{b^2}{c^2} = \frac{a^2 + b^2}{c^2}$$

(Pythagorean Theorem)



$$\frac{c^2}{c^2} = 1$$

$$\frac{a^2 + b^2}{c^2} = 1$$

$$\frac{a^2}{c^2} + \frac{b^2}{c^2} = 1$$

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291 91



ALFRED HITCHCOCK'S

ROPE

STARRING
JAMES STEWART

JOHN DALL · FARLEY GRANGER
SIR CEDRIC HARDWICKE · CONSTANCE COLLIER
AND **JOAN CHANDLER**

A TRANSATLANTIC PICTURE
A METRO-GOLDWYN-MAYER RELEASE · A
TECHNICOLOR



IT'S HIS MOST
NERVE-STRETCHING THRILLER!

**"YOU KNOW
WHY WE
DID IT?
BECAUSE WE
DAMN WELL
FELT LIKE
DOING
IT!"**



COMPULSION

DARRYL F. ZANUCK
PRODUCTIVES, INC. PRESENTS



STARRING
ORSON WELLES · DIANE VARS · DEAN STOCKWELL · BRADFORD DILLMAN · E. G. MARSHALL · MARTIN MILNER

PRODUCED BY **RICHARD D. ZANUCK** DIRECTED BY **RICHARD FLEISCHER** SCREENPLAY BY **RICHARD MURPHY** BASED UPON THE PLAY BY **MEYER LEVIN** Edited by **JOHN H. HANCOCK**

NEVER THE SINNER

THE INFAMOUS LEOPOLD AND LOEB MURDER TRIAL





Stephen Dolginoff's

THRILLME

The Leopold & Loeb Story

Off-Broadway Cast Recording



TIRED OF
WAITING
TOMMY



A photograph of a park scene. In the foreground, there is a stone wall and lush green vegetation. In the middle ground, a concrete bridge with a metal railing spans across a pond. The background is filled with tall trees with green leaves. A date stamp is overlaid on the image.

March 13, 1938

[36] HOWEVER, TO AVOID THE PREMATURE DISCLOSURE OF DEFENSE TACTICS, STRATEGY, OR OTHER INFORMATION RELATING TO THE REPRESENTATION, DEFENSE COUNSEL MAY REQUEST THAT THE TRIBUNAL HOLD AN EX PARTE HEARING TO DETERMINE THE PROPRIETY OF THE JOINT REPRESENTATION. SEE RPC 3.3(A)(3) (SETTING FORTH A LAWYER'S DUTY OF CANDOR IN AN EX PARTE HEARING); SEE ALSO RPC 3.5(B) (PERMITTING A LAWYER TO SPEAK EX PARTE TO A JUDGE WHEN PERMITTED TO DO SO BY LAW). ONCE THE TRIBUNAL IS SATISFIED THAT NO GOOD CAUSE EXISTS TO BELIEVE THAT A CONFLICT OF INTEREST CURRENTLY EXISTS OR IS LIKELY TO EXIST, A REBUTTABLE PRESUMPTION ARISES THROUGHOUT THE PROCEEDINGS THAT THE JOINT REPRESENTATION COMPORTS WITH THE REQUIREMENTS OF THIS RULE. HOWEVER, THIS PRESUMPTION IN NO WAY RELIEVES COUNSEL OF ANY DUTY IMPOSED UNDER THESE RULES SHOULD SUCH AN ACTUAL CONFLICT OF INTEREST LATER ARISE.

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE
October 3, 2018 Session**

ANALYSIS CLINIC, INC. v. KEVIN MEDLEY ET AL

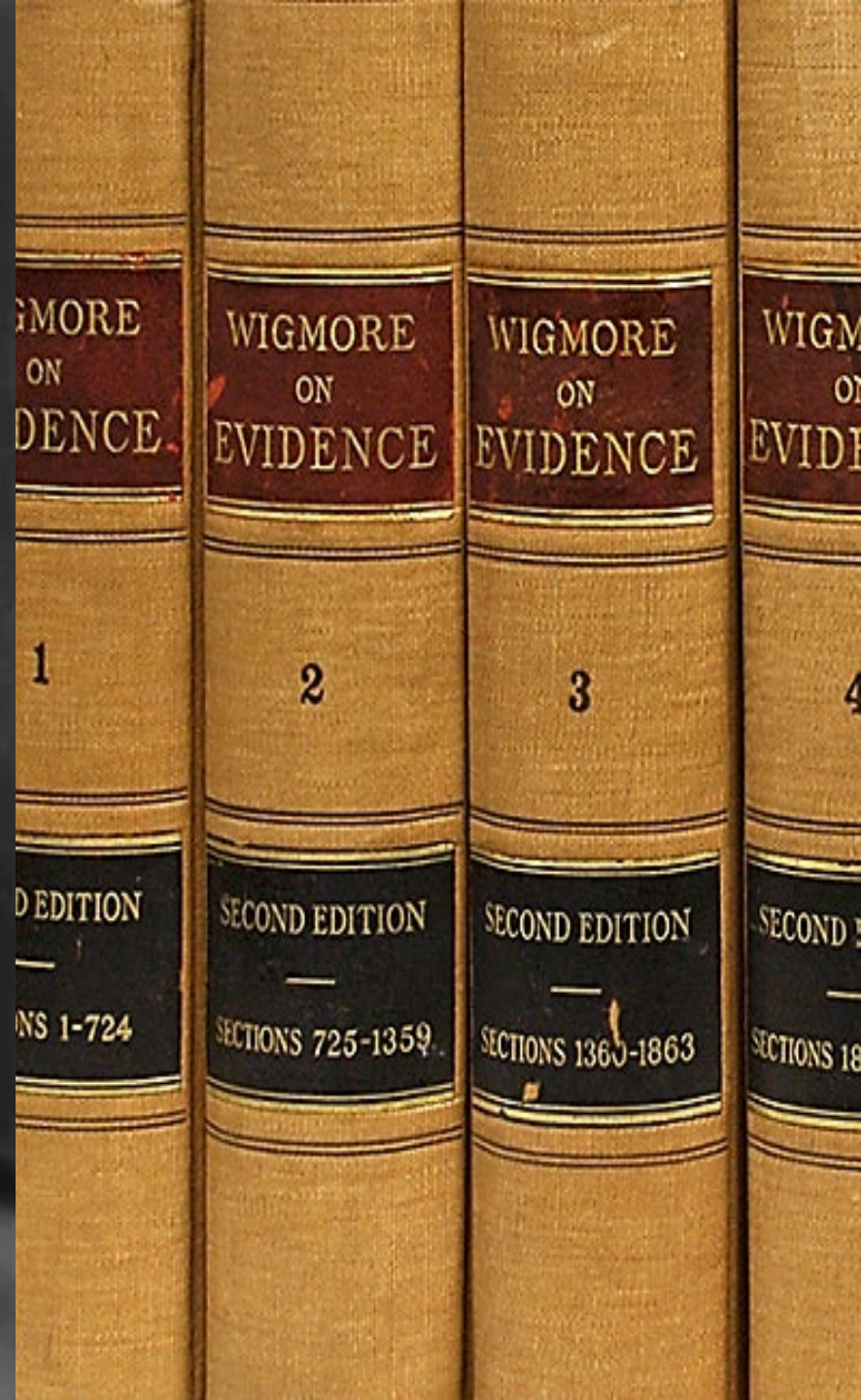
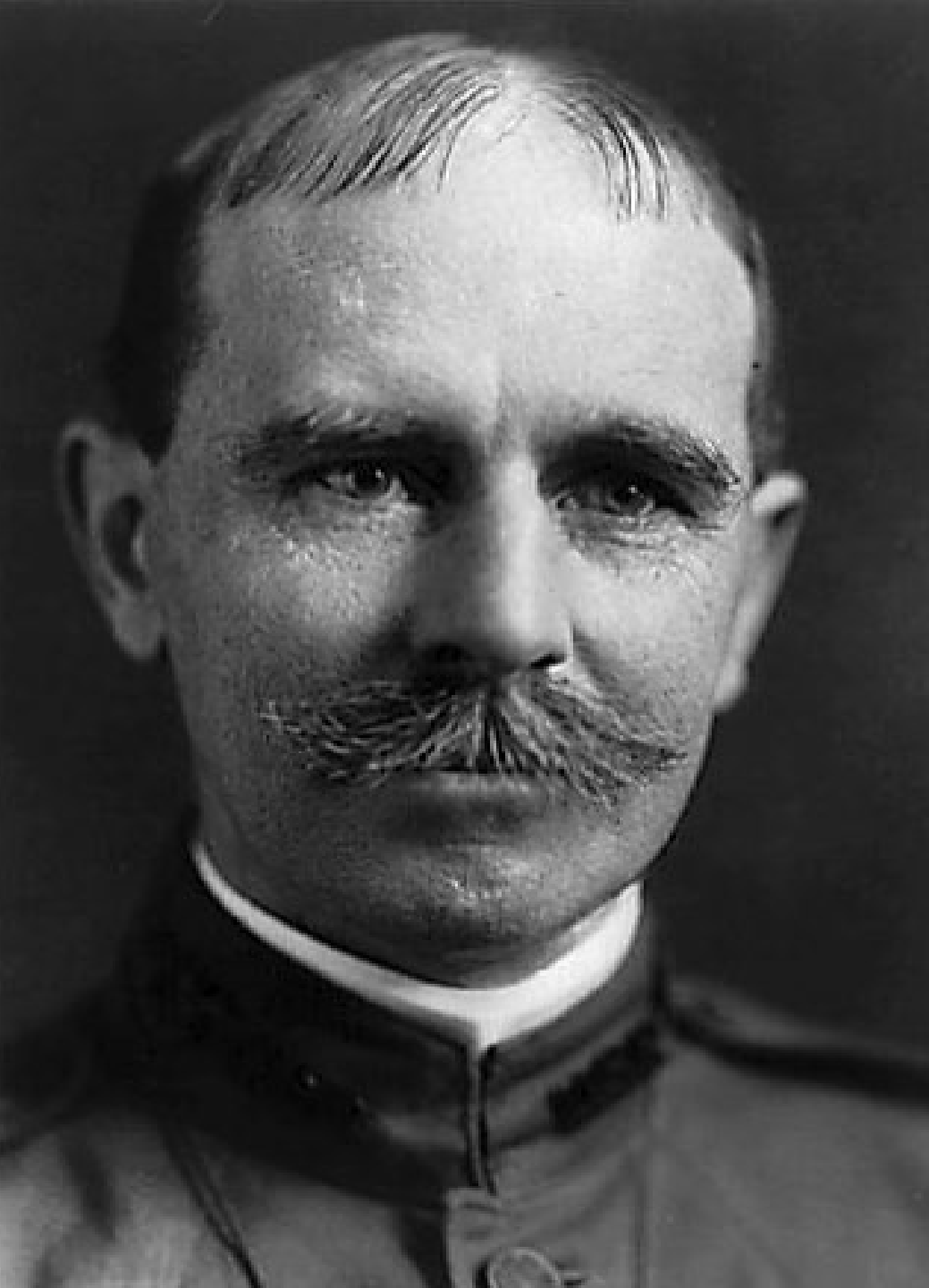
**Appeal by Permission from the Court of Appeals
Circuit Court for Davidson County
No. 14C4843 Joseph P. Binkley, Jr., Judge**

No. M2017-01352-SC-R11-CV

The attorney-client privilege “encourages full and frank communication between attorney and client by sheltering these communications from disclosure.” *State ex. rel. Flowers v. Tenn. Trucking Ass’n Self Ins. Group Trust, Inc.*, 209 S.W.3d 602, 615–16 (Tenn. Ct. App. 2006) (citing Tenn. Code Ann. § 23-3-105; *Federal Ins. Co. v. Arthur Anderson & Co.*, 816 S.W.2d 328, 330 (Tenn. 1991)). The privilege is codified at Tennessee Code Annotated section 23-3-105,² but whether it applies to a communication is “necessarily question, topic and case specific.” *Bryan v. State*, 848 S.W.2d 72, 80 (Tenn. Crim. App. 1992) (citing *Johnson v. Patterson*, 81 Tenn. 626, 649 (1884)). For the privilege to apply, “[t]he communication must involve the subject matter of the representation and must be made with the intention that the communication will be kept confidential.” *Flowers*, 209 S.W.3d at 616 (citing *Bryan*, 848 S.W.2d at 80). The privilege protects both the client’s communications to the attorney and the attorney’s communications to the client when the communications are based on the client’s communications or when disclosure of the attorney’s communications would reveal the substance of the client’s communications. *Boyd*, 88 S.W.3d at 213 (citing *Burke v. Tenn. Walking Horse Breeders’ & Exhibitors’ Ass’n*, No. 01A01-9611-CH-00511, 1997 WL 277999, at *11 (Tenn. Ct. App. May 28, 1997); *Bryan*, 848 S.W.2d at 80)).

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“No attorney, solicitor or counselor shall be permitted, in giving testimony against a client or person who consulted the attorney, solicitor or counselor professionally, to disclose any communication made to the attorney, solicitor or counselor as such by such person during the pendency of the suit, before or afterward, to the person’s injury.”
Tenn. Code Ann. § 28-3-105 (2009)



Wigmore's Definition of Privilege

- (1) [W]HERE LEGAL ADVICE OF ANY KIND IS SOUGHT;**
- (2) FROM A PROFESSIONAL LEGAL ADVISER IN THE
LAWYER'S CAPACITY AS SUCH;**
- (3) THE COMMUNICATIONS RELATING TO THAT
PURPOSE;**
- (4) MADE IN CONFIDENCE;**
- (5) BY THE CLIENT;**
- (6) ARE AT THE CLIENT'S INSTANCE PERMANENTLY
PROTECTED;**
- (7) FROM DISCLOSURE BY THE CLIENT OR BY THE
LEGAL ADVISER;**
- (8) EXCEPT THE PROTECTION BE WAIVED.**

Miscellaneous Privilege Notes

- Applies only to Communications, not Physical Evidence;
- It's the CLIENT's Privilege, not the Lawyer's;
- Absent Consent, a Lawyer must Always Assert the Privilege;
- Privilege is Either a Creature of the Common Law or Statute & Varies from State to State and from a State to the Federal System;
- Communications between Attorney & Client in the Presence of a Non-Agent 3rd Person Vitiates the Privilege;

More Privilege Notes

- If a Client, by Mistake or Otherwise, Discloses Info. the Privilege Can be Deemed Waived;
- A 'Fairness Doctrine' May Apply as to the Amount of Information that can be Revealed;
- When 2 or More Clients (*e.g.*, Partners in a Partnership) Engage the Same Attorney for a Matter, the Communicating Client, Knowing that the Attorney Represents the Other Party Also, Would not Ordinarily Intend that the Facts Communicated to the Lawyer Should be Kept Secret from the Other Client;

Still More Privilege Notes

- **As a General Rule, the Name of a Client and the Fee Paid by a Client to a Lawyer is not Protected by Privilege;**
- **Privilege Survives Death;**
- **If You Talk to Your Mom, the Privilege Doesn't Apply Unless Your Mom is Your Lawyer.**



Lewinsky's Mother Appears Before Grand Jury

Former intern's attorneys still trying to quash subpoena



Monica Lewinsky and her mother Marcia Lewis

WASHINGTON (AllPolitics, Feb. 10) -- Marcia Lewis, the mother of former White House intern Monica Lewinsky, has failed to get a subpoena for her quashed.

After nearly three hours of testimony, Lewis appeared for the first time in court.

"In anticipation of her appearance today, Marcia Lewis had been expected to give testimony.

"Part of what she is feeling is a lot of pain for her daughter's testimony."

Lewis and Martin made no further comment, but quickly walked out of the courtroom.

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**Investigating
The
President**

Distinguishing
Confidential
Information
&
Privilege













Death or
Serious Bodily
Harm

TENN. R. SUP. CT. 1.6

(A) A LAWYER SHALL NOT REVEAL INFORMATION RELATING TO THE REPRESENTATION OF A CLIENT UNLESS:

(1) THE CLIENT GIVES INFORMED CONSENT;

(2) THE DISCLOSURE IS IMPLIEDLY AUTHORIZED IN ORDER TO CARRY OUT THE REPRESENTATION; OR

(3) THE DISCLOSURE IS PERMITTED BY PARAGRAPH (B) OR REQUIRED BY PARAGRAPH (C).

(c) A LAWYER SHALL REVEAL INFORMATION RELATING TO THE REPRESENTATION OF A CLIENT TO THE EXTENT THE LAWYER REASONABLY BELIEVES DISCLOSURE IS NECESSARY:

- (1) TO PREVENT REASONABLY CERTAIN DEATH OR SUBSTANTIAL BODILY HARM;**
- (2) TO COMPLY WITH AN ORDER OF A TRIBUNAL REQUIRING DISCLOSURE, BUT ONLY IF ORDERED TO DO SO BY THE TRIBUNAL AFTER THE LAWYER HAS ASSERTED ON BEHALF OF THE CLIENT ALL NON-FRIVOLOUS CLAIMS THAT THE INFORMATION SOUGHT BY THE TRIBUNAL IS PROTECTED AGAINST DISCLOSURE BY THE ATTORNEY-CLIENT PRIVILEGE OR OTHER APPLICABLE LAW; OR**
- (3) TO COMPLY WITH RPC 3.3, 4.1, OR OTHER LAW.**

[17A] PARAGRAPH (C)(1) RECOGNIZES THE OVERRIDING VALUE OF LIFE AND PHYSICAL INTEGRITY AND REQUIRES DISCLOSURE REASONABLY NECESSARY TO PREVENT REASONABLY CERTAIN DEATH OR SUBSTANTIAL BODILY HARM. SUBSTANTIAL BODILY HARM INCLUDES LIFE-THREATENING AND DEBILITATING ILLNESSES AND THE CONSEQUENCES OF CHILD SEXUAL ABUSE. SUCH HARM IS REASONABLY CERTAIN TO OCCUR IF SUCH INJURIES WILL BE SUFFERED IMMINENTLY OR IF THERE IS A PRESENT AND SUBSTANTIAL THREAT THAT A PERSON WILL SUFFER SUCH INJURIES AT A LATER DATE IF THE LAWYER FAILS TO TAKE ACTION NECESSARY TO ELIMINATE THE THREAT. THUS, A LAWYER WHO KNOWS THAT A CLIENT HAS ACCIDENTALLY DISCHARGED TOXIC WASTE INTO A TOWN'S WATER SUPPLY MUST REVEAL THIS INFORMATION TO THE AUTHORITIES IF THERE IS A PRESENT AND SUBSTANTIAL RISK THAT A PERSON WHO DRINKS THE WATER WILL CONTRACT A LIFE-THREATENING OR DEBILITATING DISEASE AND THE LAWYER'S DISCLOSURE IS NECESSARY TO ELIMINATE THE THREAT OR REDUCE THE NUMBER OF VICTIMS.

17 Cal. 3d 425 (1976)

551 P.2d 334

131 Cal. Rptr. 14

Y TARASOFF et al., Plaintiffs and Appellees

v.

THE UNIVERSITY OF CALIFORNIA et al.

Respondents.

Docket No. S.F. 23042.

Supreme Court of California.

July 1, 1976.

Rule 1.6: Confidentiality of Information



(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

**ARTICLE VIII. ILLINOIS RULES OF PROFESSIONAL CONDUCT
OF 2010**

(c) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm.



6th Amendment, Assistance of Counsel Clause

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

6th Amendment

The Sixth Amendment's right to effective assistance attaches directly to the fidelity and competence of defense counsel's services, regardless of whether counsel is appointed or privately retained.

Sixth Amendment
Rights of Accused in Criminal Prosecutions

<https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017-10-7.pdf>



PROVEN FEDERAL ATTORNEYS

PROTECTED CLIENTS IN 40+ STATES



Bill Tunkey

Former State Prosecutor

Local Counsel

Miami, Florida

Phone: (305) 928-8505

Perhaps best known for his role in one of the most famous U.S. Supreme Court decisions of all time, Bill Tunkey is a recognized trial attorney who offers clients in Miami and throughout Southern Florida more than 30 years and hundreds of cases of experience.

Practice Focus. Bill's practice focus are white-collar defense and trial cases, in particular federal conspiracy charges. Throughout his career, Bill has handled scores of federal investigations and he has served as lead criminal defense counsel in a plethora of criminal prosecutions alleging healthcare fraud, mortgage fraud, bank fraud, tax fraud, securities fraud, as well as federal violent and computer crimes. Bill started his career as a prosecutor in Miami, Florida.

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U.S. Supreme Court. To this day, no student will become a lawyer without knowing the landmark U.S. Supreme Court decision of *Strickland v. Washington*, 466 U.S. 668 (1984). In that case, the U.S. Supreme Court unified conflicting state and federal approaches regarding a defendant's fair trial protection under the Sixth Amendment. Under the authorship of Justice Sandra Day O'Connor, the Court formulated a still valid standard to determine a trial lawyer's discretion to introduce mitigating circumstances and ruled that Mr. Tunkey, the lead defense counsel of Mr. Washington, satisfied the test and provided effective assistance of counsel to his client.

STRICKLAND, SUPERINTENDENT, FLORIDA STATE
PRISON, ET AL. *v.* WASHINGTON

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT

No. 82-1554. Argued January 10, 1984—Decided May 14, 1984

Respondent pleaded guilty in a Florida trial court to an indictment that included three capital murder charges. In the plea colloquy, respondent told the trial judge that, although he had committed a string of burglaries, he had no significant prior criminal record and that at the time of his criminal spree he was under extreme stress caused by his inability to support his family. The trial judge told respondent that he had "a great deal of respect for people who are willing to step forward and admit their responsibility." In preparing for the sentencing hearing, defense counsel spoke with respondent about his background, but did not seek out character witnesses or request a psychiatric examination. Counsel's decision not to present evidence concerning respondent's character and

STRICKLAND, SUPERINTENDENT, FLORIDA STATE PRISON, ET AL. v. WASHINGTON

- Washington pleaded guilty in Florida to three capital murder charges;
- In plea colloquy, he told trial judge that, although he committed a string of burglaries, he had no significant prior criminal record and that, at time of killing spree, he was under extreme stress caused by inability to support his family;
- Trial Judge says he has, “a great deal of respect for people who are willing to step forward and admit their responsibility.”
- In preparing for sentencing, Tunkey spoke with Washington about client’s background, but did not seek out character witnesses or request a psychiatric examination;
- Strategically, Tunkey thought it best to rely on plea colloquy for evidence as to such matters, thus preventing State from cross-examining Washington and from presenting psychiatric evidence of its own.

STRICKLAND, SUPERINTENDENT, FLORIDA STATE PRISON, ET AL. v. WASHINGTON

- Tunkey did not request a presentence report, because it would have included his client's criminal history and would have undermined claim of no significant prior criminal record;
- Finding numerous aggravating circumstances and no mitigation, trial judge sentenced Washington to death on each murder count;
- Death sentence survived state court process;
- Washington filed federal habeas corpus action alleging ineffective assistance of counsel;
- District Court denied relief, but Court of Appeals found 6th Amendment violation and ordered remand;
- SCOTUS accepted review; &
- SCOTUS reverses the Court of Appeals in an 8-1 decision and establishes test for determining competence in a criminal context.

The Strickland Test

1. Was the lawyer's performance deficient, meaning was it so fundamentally defective so as to require a reversal of a conviction or a sentence?
2. Did the deficient performance prejudice the defendant, *i.e.*, is there a reasonable probability that the result would have been different?

The Strickland Test

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed.

-Justice Sandra Day O'Connor

Judicial scrutiny of counsel's performance must be highly deferential. It is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable...A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. Because of the difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action "might be considered sound trial strategy."...There are countless ways to provide effective assistance in any given case. Even the best criminal defense attorneys would not defend a particular client in the same way...

character witnesses or request a psychiatric examination. Counsel's decision not to present evidence concerning respondent's character and

Confessed Murderer of 3 Executed in Florida

By JESUS RANGEL

Special to The New York Times

STARKE, Fla., July 13 — David L. Washington, 34 years old, a confessed triple murderer whose appeal for a reprieve was rejected Thursday night, died this morning in the electric chair at the state prison here.

As more than 50 opponents and a handful of supporters of the death penalty held orderly vigils in a pasture across the street, a state executioner sent a 2,000-volt charge of electricity through Mr. Washington's body that lasted one minute and 23 seconds.

He was pronounced dead at 7:09 A.M. Another convicted murderer, Jimmy

Lee Smith, had been scheduled to be executed immediately after Mr. Washington, in what would have been the nation's first double execution in 19 years.

But Thursday night the United States Supreme Court without comment refused to lift a stay granted by the United States Court of Appeals for the 11th Circuit, in Atlanta, for Mr. Smith, 30, who was convicted for murdering a woman and her 12-year-old child in 1978 in a wooded roadside in Marianna, Fla.

Mr. Washington was the second person to be executed this week and the 23d since the Supreme Court lifted its ban on the death penalty in 1976.

In Georgia on Wednesday, minutes

after the Supreme Court denied a reprieve, Ivan Ray Stanley, became the 21st to die of the death penalty since 1976.

Witnesses to Mr. Washington's death said he appeared calm and had a half-smile on his face as he was led from a cell to the 66-year-old oak electric chair.

"It went smoothly and on schedule," said Vernon Bradford, spokesman for the Florida Department of Corrections.

David Levine, a reporter for WCLX-TV in Miami, said Mr. Washington had expressed remorse for his actions.

"He said to the families of the victims that he was sorry for any grief and

that if his death makes them feel better, so be it," Mr. Levine said. "He told all the guys on death row not to bow their heads in defeat without a fight."

"He then said, 'I'm nervous,' and he was executed," Mr. Levine recalled.

The execution of Mr. Washington, one of 231 people on death row in Florida, came almost eight years after he killed three people in Miami in a 14-day robbery and abduction rampage.

He pleaded guilty to the stabbing death and robbery of Daniel Fridgen, a Miami minister. He also admitted that he had abducted Frank Meli, 20, an accounting student, had tied him to a metal bed for three days, and then had stabbed him 11 times.

The third murder was of Katrina Birk, 34, who was tied, gagged, stabbed, shot and robbed in her Miami home.

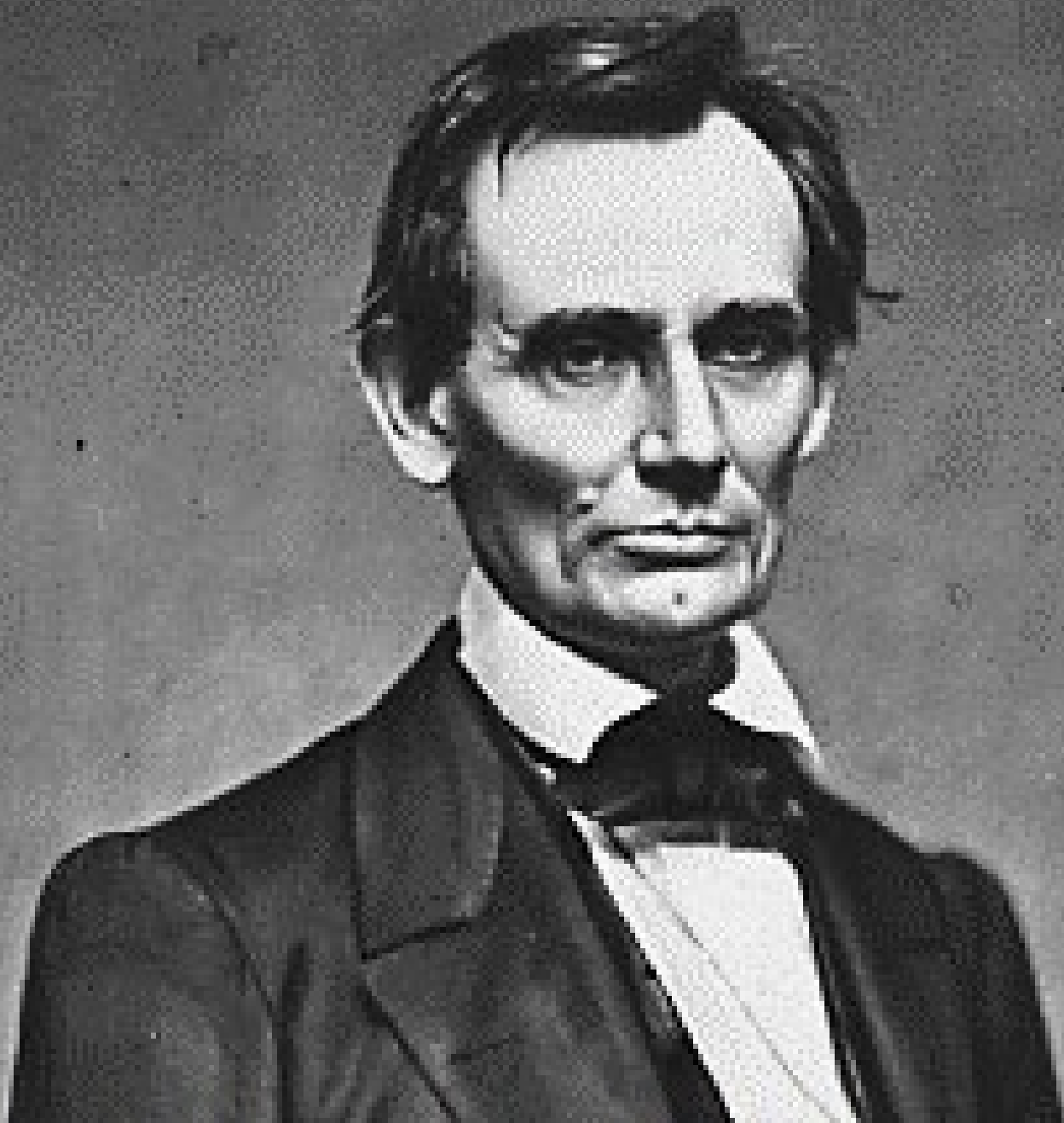
After his execution, Mr. Washington told his family that he was sorry for any grief and

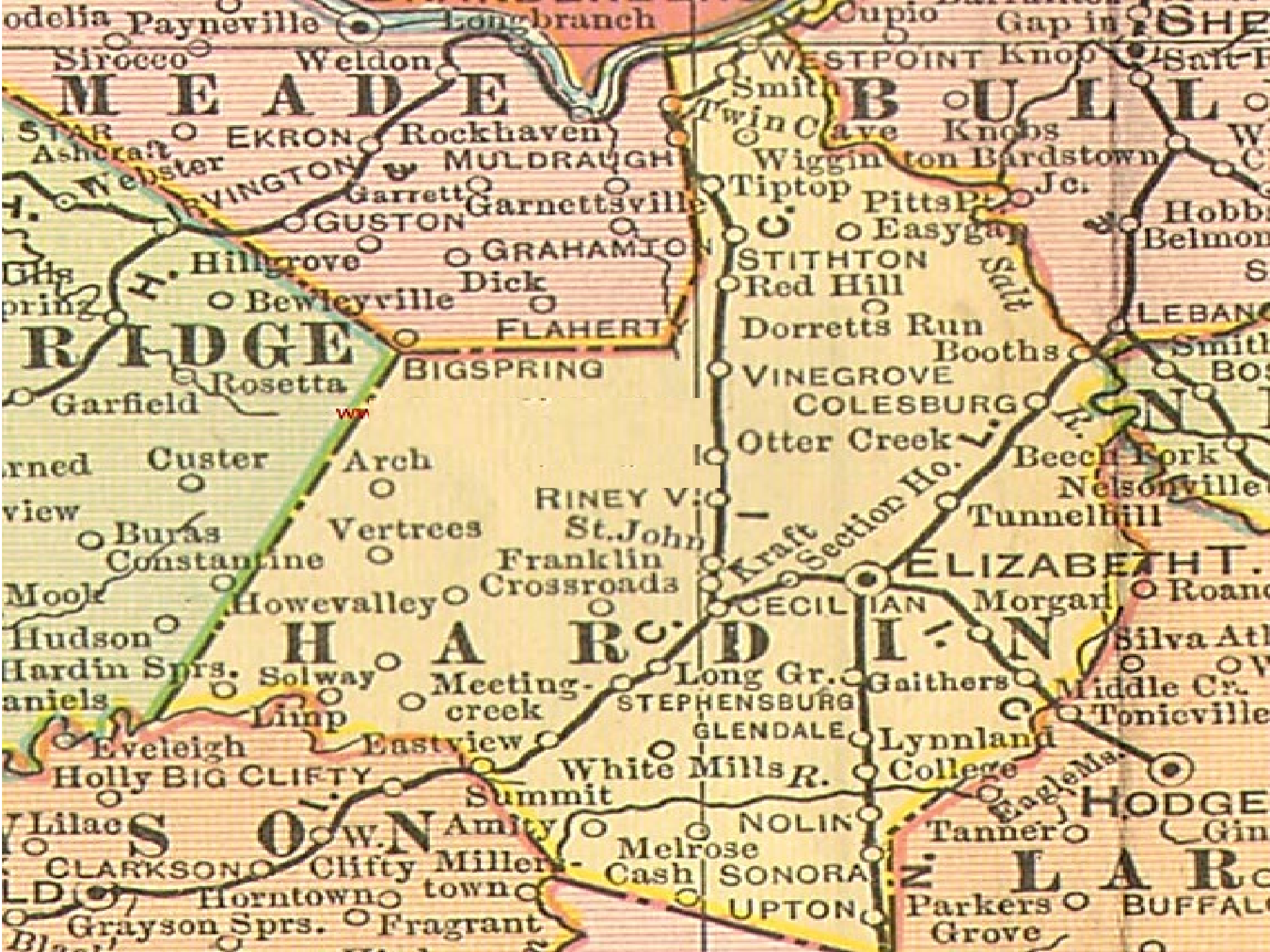
that he was sorry for any grief and

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that he was sorry for any grief and





odelia Payneville

Sirocco

Weldon

M E A D E

WESTPOINT Knob

B U L L

STAR Ashcraft

EKRON Rockhaven

Smith Twin Cave Knobs

Webster

MULDRAGH

Wiggin ton Bardstown

H. Hillgrove

GARRETT GARNETTSTOWN

Tiptop PittsP. Jr.

Bewleyville

GUSTON

Easygap

R I D G E

GRAHAMION

STITHTON

Rosetta

Dick

Red Hill

Garfield

FLAHERTY

Dorretts Run

Custer

BIGSPRING

Booths

Arch

VERTREES

VINEGROVE

Buras

FRANKLIN

COLESBURG

Constantine

HOWEVALLEY

Otter Creek

Mook

RINEY V.

Tunnelhill

Hudson

St. John

ELIZABETH T.

Hardin Sprs.

Crossroads

CECILIAN

aniels

Meeting-creek

Morgan

Eveleigh

Long Gr.

Gaithers

Holly

STEPHENSBURG

Middle Cr.

Lilae

GLLENDALE

Tonicville

CLARKSON

White Mills R.

Lynnland

Chifty

Summit

College

Horntown

NAMITY

NOLIN

Grayson Sprs.

Melrose

SONORA

Cash

UPTON

SONORA

Parkers Grove

FRAGRANT

Tanner

CLIFTY

BUFFALO

Lincoln Cabin, Birth Place of Abraham Lincoln. In this log cabin in



Hardin County, Ky., on Feb. 12, 1809, this great man was born.

ImmigrationProf Blog

A Member of the Law Professor Blogs Network

Friday, March 4, 2016

Jose Padilla Lives! Crimmigration Events at DU Law School



Yolanda Vasquez (one of the attorneys who worked on the briefs in the Supreme Court in [Padilla v. Kentucky](#))

Meets Jose Padilla for the first time

Dan Kowalski [blogged](#) in detail about the appearance of Jose (or Joe) Padilla of *Padilla v. Kentucky* at a set of extremely crimmigration events organized by Professors **Cesar Garcia Hernandez** and **Christopher Lasch** at the University of Denver Sturm College of Law yesterday. Here is a link to Padilla's comments and a panel discussion of crimmigration papers by Professor **Yolanda Vasquez** and **Linus Chan**.

Mr. Padilla, a retired long haul trucker, was a wonderful participant in the events. The case that bears his name started off with his arrest on marijuana charges; in his presentation in Denver, Padilla said that he did not know the nature of the cargo he was transporting in his truck that led to his arrest in Kentucky.

I had always been curious about the facts of the Padilla's case. The facts as describe by Justice Stevens in his opinion for the Court in [Padilla v. Kentucky](#) did not offer much detail:



LOWER COURT CASE NUMBER: 2006-SC-000321-DG

QUESTION PRESENTED:

Petitioner, who has lived in this country for nearly 40 years and served in the United States Army, is a legal permanent resident of this country, not a citizen. In 2001 Petitioner was indicted for trafficking in marijuana - an offense designated as an "aggravated felony" under the Immigration and Naturalization Act (INA). Prior to entering a plea of guilty to that offense, Petitioner was incorrectly advised by his counsel that the plea would not affect his immigration status. Unfortunately, because the offense was an aggravated felony, Petitioner's deportation is mandatory. Upon discovery of this fact, Petitioner sought post conviction relief in Kentucky's state courts arguing that his attorney had improperly advised him. The Supreme Court of Kentucky denied post conviction relief holding the Petitioner was not entitled to accurate advice from his attorney on immigration consequences because he had no Sixth Amendment right to counsel in that proceeding. Petitioner now seeks certiorari to review the following questions:

1. Whether the mandatory deportation consequences that stem from a plea to trafficking in marijuana, an "aggravated felony" under the INA, is a "collateral consequence" of a criminal conviction which relieves counsel from any affirmative duty to investigate and advise; and
2. Assuming immigration consequences are "collateral", whether counsel's gross misadvice as to the collateral consequence of deportation can constitute a ground for setting aside a guilty plea which was induced by that faulty advice.

CERT. GRANTED 2/23/2009

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is released. The syllabus constitutes no part of the opinion of the Court, but is included here for convenience and reference only.

STEVENS, J., delivered the opinion of the Court, in which KENNEDY, GINSBURG, BREYER, and SOTOMAYOR, JJ., joined. ALITO, J., filed an opinion concurring in the judgment, in which ROBERTS, C. J., joined. SCALIA, J., filed a dissenting opinion, in which THOMAS, J., joined.

... of the United States for ... faces deportation after pleading guilty to drug-distribution charges in Kentucky. In postconviction proceedings, he claims that his counsel not only failed to advise him of this consequence before he entered the plea, but also told him not to worry about deportation since he had lived in this country so long. He alleges that he would have gone to trial had he not received this incorrect advice. The Kentucky Supreme Court denied Padilla postconvic-

McCoy v. Louisiana



SUPREME COURT OF THE UNITED STATES

Syllabus

MCCOY *v.* LOUISIANA

CERTIORARI TO THE SUPREME COURT OF LOUISIANA

No. 16–8255. Argued January 17, 2018—Decided May 14, 2018

Petitioner Robert McCoy was charged with murdering his estranged wife’s mother, stepfather, and son. McCoy pleaded not guilty to first-degree murder, insisting that he was out of State at the time of the killings and that corrupt police killed the victims when a drug deal went wrong. Although he vociferously insisted on his innocence and adamantly objected to any admission of guilt, the trial court permitted his counsel, Larry English, to tell the jury, during the trial’s guilt phase, McCoy “committed [the] three murders.” English’s strategy was to concede that McCoy committed the murders, but argue that McCoy’s mental state prevented him from forming the specific intent necessary for a first-degree murder conviction. Over McCoy’s repeated objection, English told the jury McCoy was the killer and that English “took [the] burden off of [the prosecutor]” on that issue. McCoy testified in his own defense, maintaining his innocence and pressing an alibi difficult to fathom. The jury found him guilty of all





To Try to Save Client's Life, a Lawyer Ignored His Wishes. Can He Do That?

Defense counsel has a duty to discuss potential strategies with a defendant, but Counsel's concession of guilt without the explicit consent of the defendant-client does not automatically constitute prejudicial ineffective assistance of counsel.

-Florida v. Nixon, 543 U.S. 175 (2004)

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

MCCOY v. LOUISIANA**CERTIORARI TO THE SUPREME COURT OF LOUISIANA**

No. 16–8255. Argued January 17, 2018—Decided May 14, 2018

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Held: The Sixth Amendment guarantees a defendant the right to choose the objective of his defense and to insist that his counsel refrain from admitting guilt, even when counsel’s experienced-based view is that confessing guilt offers the defendant the best chance to avoid the death penalty. Pp. 5–13.

(a) The Sixth Amendment guarantees to each criminal defendant “the Assistance of Counsel for his defence.” The defendant does not

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

MCCOY *v.* LOUISIANA

Because a client's autonomy, not counsel's competence, is in issue, we do not apply our ineffective-assistance-of-counsel jurisprudence, *Strickland v. Washington*, 466 U. S. 668 (1984), or *United States v. Cronin*, 466 U. S. 648 (1984), to McCoy's claim. See Brief for Petitioner 43–48; Brief for Respondent 46–52. To gain redress for attorney error, a defendant ordinarily must show prejudice. See *Strickland*, 466 U. S., at 692. Here, however, the violation of McCoy's protected autonomy right was complete when the court allowed counsel to usurp control of an issue within McCoy's sole prerogative.

Non-Delegable Client Decisions

1. Whether to Plead Guilty;
2. Whether to Waive the Right to a Jury Trial;
3. Whether to Testify on One's Own Behalf; &
4. Whether to Forgo an Appeal.

Justice ALITO, with whom Justice THOMAS and Justice GORSUCH
join, dissenting.

...The Court holds that English violated petitioner's constitutional rights by "admit[ting] h[is] client's guilt of a charged crime over the client's intransigent objection."...But English did not admit that petitioner was guilty of first-degree murder. Instead, faced with overwhelming evidence that petitioner shot and killed the three victims, English admitted that petitioner committed one element of that offense, *i.e.*, that he killed the victims. But English strenuously argued that petitioner was not guilty of first-degree murder because he lacked the intent (the *mens rea*) required for the offense. ")...

McCoy v. Louisiana, 138 S. Ct. 1500, 1512 (2018)

Justice ALITO, with whom Justice THOMAS and Justice GORSUCH
join, dissenting.

...[M]ost of the decisions that arise in criminal cases are the prerogative of counsel. (Our adversarial system would break down if defense counsel were required to obtain the client's approval for every important move made during the course of the case.) Among the decisions that counsel is free to make unilaterally are the following: choosing the basic line of defense, moving to suppress evidence, delivering an opening statement and deciding what to say in the opening, objecting to the admission of evidence, cross-examining witnesses, offering evidence and calling defense witnesses, and deciding what to say in summation...

McCoy v. Louisiana, 138 S. Ct. 1500, 1516 (2018)

Rule 1.2: Scope of Representation & Allocation of Authority Between Client & Lawyer



(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

The Future



AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONAL REGULATION

REPORT TO THE HOUSE OF DELEGATES

REVISED RESOLUTION

1 RESOLVED, That the American Bar Association amends ABA Model Rule of
2 Professional Conduct 1.16 and its Comments [1], [2], and [7] as follows
3 (insertions underlined, deletions struck through):
4

5 **Rule 1.16: Declining or Terminating Representation**
6

7 (a) A lawyer shall inquire into and assess the facts and circumstances of
8 each representation to determine whether the lawyer may accept or continue the
9 representation. Except as stated in paragraph (c), a lawyer shall not represent a
10 client or, where representation has commenced, shall withdraw from the
11 representation of a client if:
12

13 (1) the representation will result in violation of the Rules of
14 Professional Conduct or other law;

15
16 (2) the lawyer's physical or mental condition materially impairs the
17 lawyer's ability to represent the client; or

18
19 (3) the lawyer is discharged; or
20

21 (4) the client or prospective client seeks to use or persists in using
22 the lawyer's services to commit or further a crime or fraud, despite the
23 lawyer's discussion pursuant to Rules 1.2(d) and 1.4(a)(5) regarding the
24 limitations on the lawyer assisting with the proposed conduct.
25

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONAL REGULATION

REPORT TO THE HOUSE OF DELEGATES

REVISED RESOLUTION

The Proposed Amendments to Model Rule 1.16 and Its Comments

After careful consideration over several years of concerns raised by ABA members and outside groups that the ABA Model Rules of Professional Conduct lacked sufficient clarity on lawyers' ~~client due diligence obligations~~ to inquire about and assess the facts and circumstances relating to a matter, the Committees concluded that Model Rule of Professional Conduct 1.16 should be amended to make explicit that which is already implicit.

(4) the client or prospective client seeks to use or persists in using the lawyer's services to commit or further a crime or fraud, despite the lawyer's discussion pursuant to Rules 1.2(d) and 1.4(a)(5) regarding the limitations on the lawyer assisting with the proposed conduct.

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 513

August 23, 2024

Duty to Inquire Into and Assess the Facts and Circumstances of Each Representation

As recently revised, Model Rule 1.16(a) provides that: “A lawyer shall inquire into and assess the facts and circumstances of each representation to determine whether the lawyer may accept or continue the representation.” To reduce the risk of counseling or assisting a crime or fraud, some level of inquiry and assessment is required before undertaking each representation. Further inquiry and assessment is required when the lawyer becomes aware of a change in the facts and circumstances relating to the representation that raises questions about whether the client is using the lawyer’s services to commit or further a crime or fraud.

The lawyer’s inquiry and assessment will be informed by the nature and extent of the risk that the current or prospective client seeks to use, or persists in using, the lawyer’s services to commit or further a crime or fraud. If after having conducted a reasonable, risk-based inquiry, the lawyer determines that the representation is unlikely to involve assisting in a crime or fraud, the lawyer may undertake or continue the representation. If the lawyer has “actual knowledge” that the lawyer’s services will be used to commit or further criminal or fraudulent activity, the lawyer must decline or withdraw from the representation.

Formal Opinion 513

August 23, 2024

Duty to Inquire Into and Assess the Facts and Circumstances of Each Representation

Hypothetical 1: An investor based outside the United States contacts an established real estate lawyer seeking representation regarding the proposed purchase of an office building in the lawyer's city. The lawyer has not represented the investor previously but was referred to the lawyer by a well-known real estate lawyer in another part of the same state who, before retiring, had represented the investor in several similar purchases.

Formal Opinion 513

August 23, 2024

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Hypothetical 2: Less than one month after the lawyer undertakes the representation described in Hypothetical 1, the client contacts the lawyer to say that another, similar building is for sale in the same city. That building is available at an attractive price, but only if the transaction closes quickly. To expedite the closing, the client would like to purchase the building using funds transferred from an account at a bank in the client's country of residence.

Formal Opinion 513

August 23, 2024

Duty to Inquire Into and Assess the Facts and Circumstances of Each Representation

Different facts might warrant a different conclusion, however. For example, additional inquiry would be required if the client intended to transmit the funds to an account controlled by the lawyer, who would then transmit them to the seller. A higher risk of participating in money laundering or terrorist financing exists when the lawyer “touches the money,” i.e., acts as a financial intermediary handling the receipt and transmission of funds through accounts controlled by the lawyer. In such circumstances, the lawyer should seek additional information regarding the source of funds.

Board of Professional Responsibility



Ethics Workshop