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LEGAL ETHICS

Client and lawyer, a 'willful enabler,' sanctioned over \$1M for 'simply obscene' condo litigation

BY DEBRA CASSENS WEISS

POSTED APRIL 8, 2019, 6:30 AM CDT



now you're my bitch

You're one of those people in the world that really should just kill themselves because you're worthless

<http://www.abajournal.com/news/article/lawyer-is-suspended-partly-for-telling-tenant-he-is-worthless-and-should-commit-suicide>





“baby-snatching bitch”

argued that this did not ... manifest bias...

...as in hip hop, derogatory terms can in some uses can imply a “level of respect rather than disdain.”

<http://www.abajournal.com/news/article/lawyers-hip-hop-defense-fails-in-case-involving-an-overarching-pattern-of-misconduct> 8.1.19



“baby-snatching bitch”

argued that this did not ... manifest bias...

...as in hip hop, derogatory terms can in some uses can imply a “level of respect rather than disdain.”

“inapt” because his exchange “in no way demonstrated any such level of respect.”

<http://www.abajournal.com/news/article/lawyers-hip-hop-defense-fails-in-case-involving-an-overarching-pattern-of-misconduct> 8.1.19



Divorce litigant charged in stabbing of lawyer at deposition

5.17.19

He pushed aside his own lawyer... yelling: "What are you going to do now you fat little [expletive]?" and punched him.

he slammed the lawyer's head in to the table and yelled:

"I'm going to kill you right now, you fat little XXX."

He then got a knife from the lawyer, ...slashing him and stabbing him twice saying:

"I'm killing you."

"I think you already have," the lawyer said.



J: "You're not an Arab, are you?" "You're our sworn enemies.", and here's what I have to say to you,"



[extending the middle finger of his right hand]

"What the fuck do you people want, anyway?" [and he] again **extended [his]middle finger...**

"You know what this is, don't you?"

<http://www.cjc.ny.gov/Determinations/A/Ain.Stuart.L.1992.09.21.DET.pdf>





inexcusable

more than a slip of the tongue

... need for a severe sanction



However, ...a single occasion in an informal, off-the-record conversation

...conduct at the trial and his judicial determination in no way showed bias toward Mr. Saqqal's client.

...removal is unwarranted in this case. ... appropriate sanction is censure.





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Home ▾ Daily News ▾ Lawyer says it 'would be an honor' to be ...

ETHICS

Lawyer says it 'would be an honor' to be disbarred; disciplinary board aims to oblige

BY DEBRA CASSENS WEISS

OCTOBER 1, 2019, 10:13 AM CDT



...aside from competing in the triathlon world championships, my greatest honors are my PhD from UCLA and my law degree from Boalt. But a disbarment letter from ODC will be framed and go up right alongside those diplomas. **Please do me the honor of disbarring me.** I will be so very very [sic] proud.





...aside from competing in the triathlon world championships, my greatest honors are my PhD from UCLA and my law degree from Boalt. But a disbarment letter framed

Respondent has also unequivocally, and colorfully, sought to be disbarred. I will be so very proud.



What can I do?





...if a horse is obstreperous, recalcitrant or more interested in every other activity other than training to be a racehorse, it behooves one to geld the horse.

This has an enormous impact on attitude.....



http://www.dogwoodstable.com/pdfs/DWS_newsletter_01-2006.pdf



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This has an enormous impact on attitude.....



http://www.dogwoodstable.com/pdfs/DWS_newsletter_01-2006.pdf



Do	Don't
Take deep breaths	Take it personally
Sidestep the provocations	Get sarcastic
Postpone but affirm	Immediately bail
Look for compromise	Make decisions while angry or frustrated
Offer a mulligan	Give in to make it stop



Michael J. Bradley, *Crazy-Stressed: saving today's Overwhelmed Teens with Love, Laughter, and the Science of Resilience* (2017)

One Solution

[For obstreperous lawyer, partner, associate, adolescent, or significant other]

- 1. Avoid eye contact**
- 2. Say you're sorry**
[even though you're not]
- 3. Do what you know is right**







<http://www.philly.com/philly/blogs/real-time/WHYY-NPR-Terry-Gross-doesnt-interview-most-of-her-guests-in-Philly-Heres-why-.html>



Reacting Counterproductively

“You wouldn’t understand.”

“Because those are the rules.”

“Calm down!”

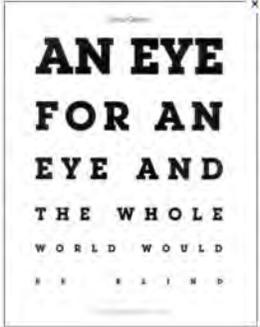
“What’s your problem?”

“You never...”

“You always...”

“Why don’t you be reasonable?”





CHOOSE TO DIFFUSE CONFLICT

By Dan Olson - August 23, 2017

SHARE  Facebook  Twitter  G+  Pinterest

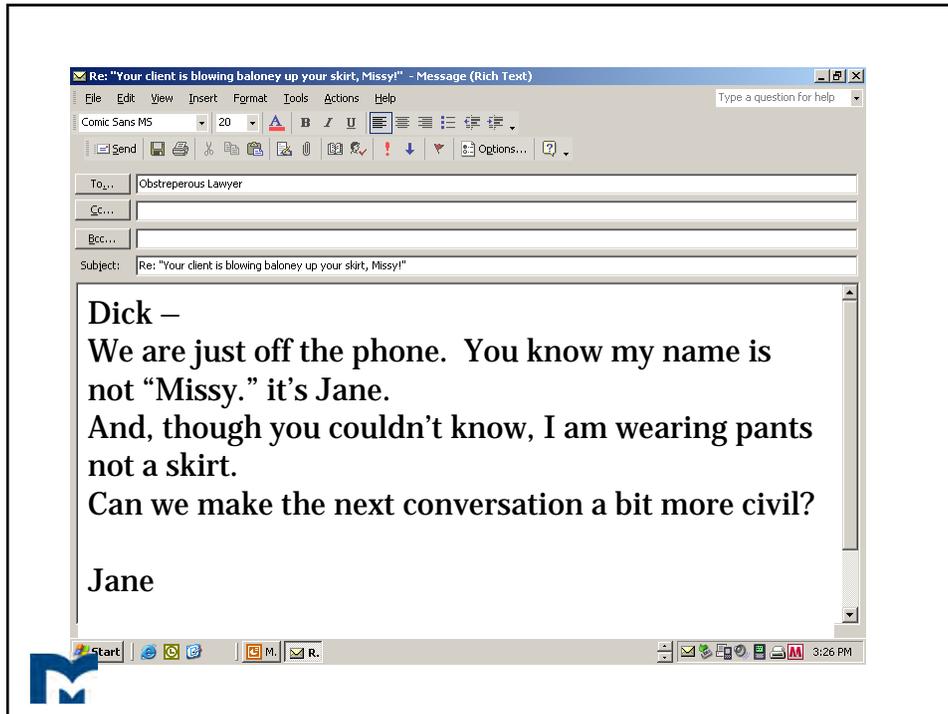


When situations explode on the field or at a dep. or in court, it's up to **you** sports officials to restore the peace and diffuse conflict. In managing conflict, showing a little empathy, demonstrating good listening skills and providing people with options rather than threats go a long way.



**Your client is blowing
baloney up your skirt,
Missy!**





The Perils of Electronic Communication





“I love you, alive girl,”

“I basically WANT TO BE WITH YOU!!! Then I want to fall asleep with you and wake up tomorrow and read the paper with you and have coffee with you,”

<https://www.nytimes.com/2019/01/18/opinion/amazon-jeff-bezos-affair.html?action=click&module=Opinion&pgtype=Homepage>



“I love you, alive girl,”

“I basically WANT TO BE WITH YOU!!! Then I want to fall asleep with you and wake up tomorrow and read the paper with you and have coffee with you,”

If the world's richest man got like this no one is safe.

<https://www.nytimes.com/2019/01/18/opinion/amazon-jeff-bezos-affair.html?action=click&module=Opinion&pgtype=Homepage>





White House mistakenly sends talking points to Democrats — then demands the email be "recalled"

Why did this fail? Screenshots of the talking points were distributed on Twitter



From: Symonds, Tori Q. EOP/WHO [REDACTED]
Sent: Wednesday, September 25, 2019 11:21 AM
To: Symonds, Tori Q. EOP/WHO
Subject: What You Need To Know | President Trump's Call with President Zelenskyy

What You Need To Know | President Trump's Call with President Zelenskyy

Press reports have given currency to flat-out falsehoods about the call.

- The transcript clearly shows there was no quid pro quo or anything else inappropriate about the conversation between President Trump and President Zelenskyy.
 - Myth: The President made a mysterious "promise" to Zelenskyy in return for Ukraine reviving an investigation relating to Joe Biden and his son.
 - Fact: There was no such promise. The President wanted allegations of corruption potentially involving an American official to be investigated.
 - Myth: The President offered a "quid pro quo" related to military aid for Ukraine.
 - Fact: There was no quid pro quo; in fact there is no mention of the aid package to Ukraine at all.
 - Myth: The President urged President Zelenskyy to work with Rudy Giuliani to investigate Biden's involvement in securing the firing of a Ukrainian prosecutor *eight times*.
 - Fact: The President mentioned Rudy Giuliani only after Zelenskyy mentioned him first and referred to Biden in only one exchange.

What the President actually talked about was entirely proper.

President Trump asked President Zelenskyy to investigate any connection between Ukraine and attempts to interfere with the 2016 election, something he has publicly discussed in the past.



File Message Add-Ins Litera

Ignore Delete Reply Reply All Forward More

Move to: ? To Manager

Team E-mail Done

Reply & Delete Create New

Delete Respond Quick Steps

From: Myers, John
To: Henry, Dylan
Cc:
Subject: RE: first-year associate assignments

Yes. As soon as possible.
Ethics research on conflicts between duties of legislator as such,
And I am sure there will be more

 **John Myers** | Chair, Higher Ed
Montgomery McCracken
1735 Market St. | Philadelphia, PA 19103-7505
Tel: 215-772-7535 | Mobile: 215-205-3499 | Fax: 215-731-3657 | [jm](#)

File Message Add-Ins Litera

Save Save As Save Attachments Close

Info

Print

Help

Options

RE: first-year associate assignments

 **Restrict permissions to this item**
Set up restrictions for this item. For example, you may be able to restrict recipients from forwarding the e-mail message to other people.

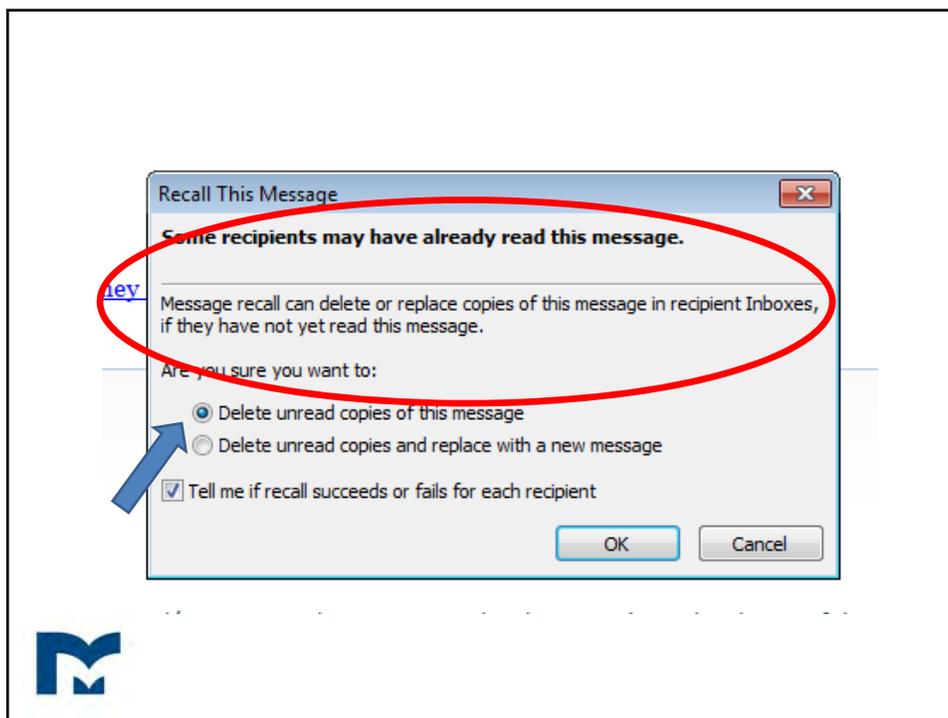
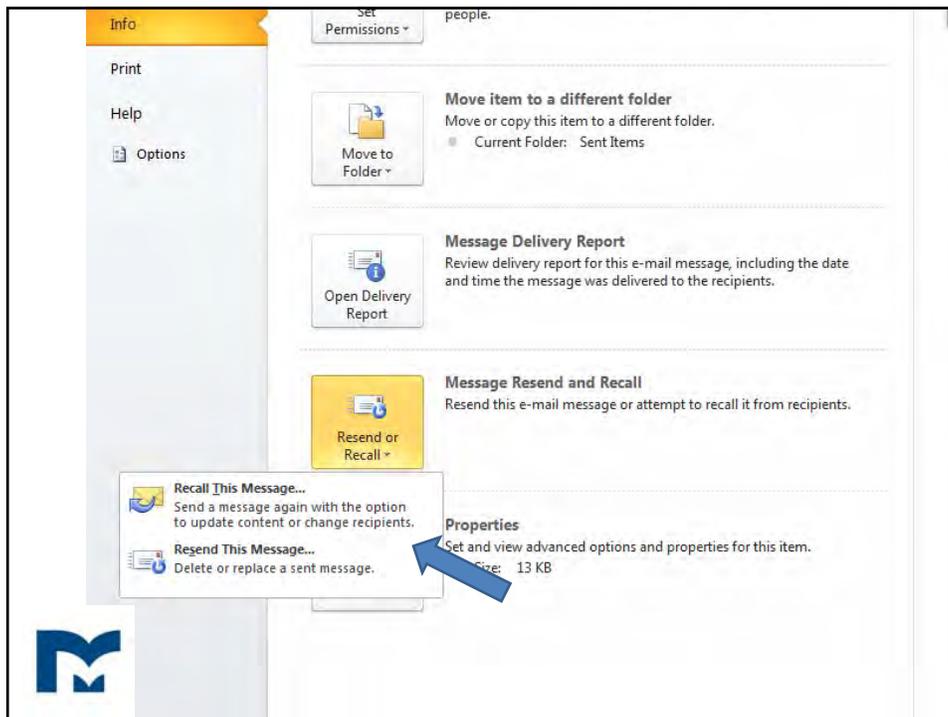
 **Move item to a different folder**
Move or copy this item to a different folder.
Current Folder: Sent Items

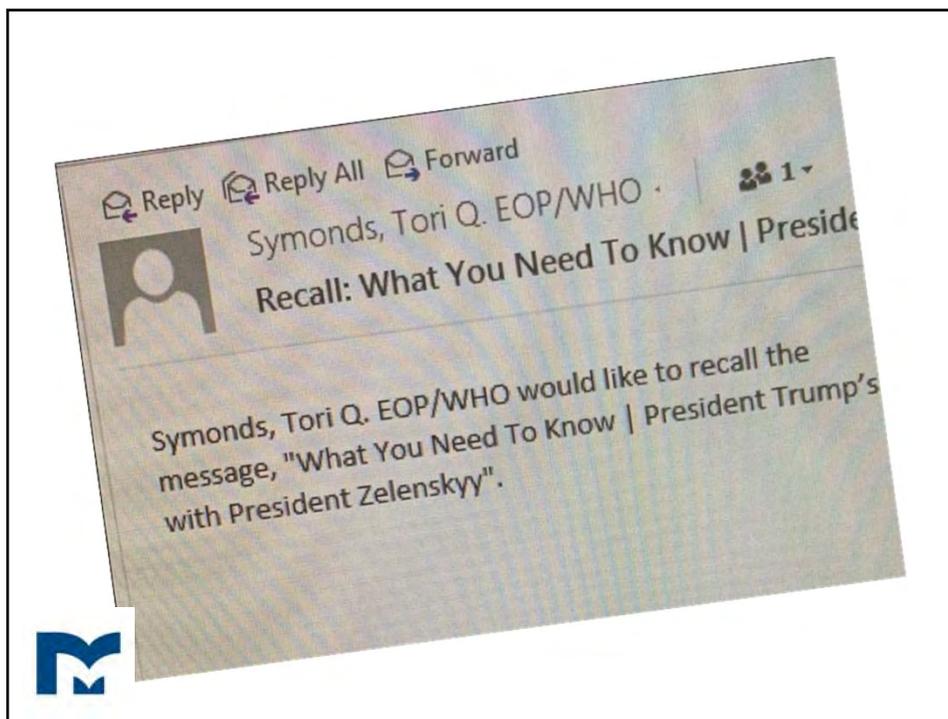
 **Message Delivery Report**
Review delivery report for this e-mail message, including the date and time the message was delivered to the recipients.

 **Message Resend and Recall**
Resend this e-mail message or attempt to recall it from recipients.

 **Properties**
Set and view advanced options and properties for this item.
Size: 13 KB







Mr. Taylor, the diplomat in Kiev, saw a connection.

“Are we now saying that security assistance and WH meeting are conditioned on investigations?” he asked Mr. Sondland in a text message on Sept. 1.

“**Call me,**” Mr. Sondland replied.



BIAS LEGAL SEXUAL ASSAULT

Judge orders USC to pay accused student \$142,100 for Title IX kangaroo court

GREG PIPER - ASSOCIATE EDITOR OCTOBER 10, 2019

Title IX officials had called him a “motherfucker” – and the student who accused him of sexual assault, “a catch” – **after they forgot to hang up on a phone call with the accused student and his advisor.**



<https://www.thecollegefix.com/judge-orders-usc-to-pay-accused-student-142100-for-title-ix-kangaroo-court/>



Specific Lawyers' Duties

Inadvertent disclosure

Lawyer as witness



PA RPC 4.4. Respect for Rights of Third Persons

...

(b) A lawyer who receives a document [in whatever form], relating to the representation ...**and knows or reasonably should know** that the document...was inadvertently sent shall promptly **notify** the sender.



Comment to 4.4

Beyond the scope of the rule:

Whether the lawyer is required to take additional steps, such as returning it

Privilege questions, including waiver.

Duty where the document may have been inappropriately obtained



Comment to 4.4

Beyond the scope of the

Whether

Where a lawyer is not required ...to do so, the decision to voluntarily return [or delete] such a document is a matter of professional judgment ordinarily reserved to the lawyer.
See Rules 1.2 and 1.4.

may have been



FRCP 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

...

(b) Inadvertent Disclosure. ... the disclosure does not operate as a waiver in a federal or state proceeding if:

- (1) the disclosure is inadvertent;
- (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and
- (3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following FRCP 26 (b)(5)(B).



FRCP 502(d) Controlling Effect of a Court Order

(e) Controlling Effect of a Party Agreement. An agreement on the effect of disclosure in a federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.



If a Party asserts that any material constitutes Objectionable or Privileged Discovery Material, Party shall seek judicial relief by way of a protective order ...

If a party determines it has produced a Protected Document:

(a) it may notify the Receiving Party ...in writing, and demand the return of such documents.

(b) The Receiving Party must return, sequester, or destroy the Protected Document....



The Best Defense. - *Reversal of Fortune: Inside the von Bülow Case* - *Taking Liberties: A Decade of Hard Cases, Bad Laws, and Bum Raps* - *Chutzpah. Contrary to Popular Opinion* - *The Advocate's Devil* - *The Abuse Excuse: And Other Cop-Outs, Sob Stories, and Evasions of Responsibility* - *Reasonable Doubts: The Criminal Justice System and the O.J. Simpson Case* - *The Vanishing American Jew: In Search of Jewish Identity for the Next Century* - *Sexual McCarthyism: Clinton, Starr, and the Emerging Constitutional Crisis* - *Just Revenge* - *The Genesis of Justice: Ten Stories of Biblical Injustice that Led to the Ten Commandments and Modern Law* - *Letters to a Young Lawyer* - *Supreme Injustice: How the High Court Hijacked Election 2000* - *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* - *Shouting Fire: Civil Liberties in a Turbulent Age* - *The Case for Israel* - *America Declares Independence* - *America on Trial: Inside the Legal Battles That Transformed Our Nation* - *Rights From Wrongs: A Secular Theory of the Origins of Rights* - *The Case for Peace: How the Arab-Israeli Conflict Can be Resolved* - "Chapter 16" - *Preemption: A Knife That Cuts Both Ways* - *Blasphemy: How the Religious Right is Hijacking the Declaration of Independence* - *Finding Jefferson: A Lost Letter, a Remarkable Discovery, and the First Amendment in an Age of Terrorism* - *Is There a Right to Remain Silent?: Coercive Interrogation and the Fifth Amendment After 9/11* - *The Case Against Israel's Enemies: Exposing Jimmy Carter and Others Who Stand in the Way of Peace* - *Mouth of Webster, Head of Clay* essay in *The Face in the Mirror: Writers Reflect on Their Dreams of Youth and the Reality of Age.* - *The Case For Moral Clarity: Israel, Hamas and The Trials of Zion* - *Taking the Stand: My Life in the Law* - *Terror Tunnels: The Case el's Just War Against Hamas* - *Abraham: The World's First (But Certainly Not Last) Lawyer* - *The Case Against Impeaching Trump.*



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Intelligencer

JEFFREY EPSTEIN CASE | JULY 15, 2015

Alan Dershowitz
Cannot Stop
Talking Accused of
a slew of terrible
things, the defense
has no intention of
resting.

By Andrew Rice

Alan Dershowitz with Jeffrey Epstein at Harvard in 2004. Photo: Rick Friedman, Polaris

PaRPC 3.7. Lawyer as Witness

(a) A lawyer shall not act as advocate at a trial in which the lawyer is **likely to be a necessary witness** unless:

(1) the testimony relates to an uncontested issue;.... **OR**

(3) disqualification ...would work **substantial hardship** on the client.

(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called



NY RPC 3.7

...

(b) A lawyer may **not** act as advocate before a tribunal ...if:

(1) another lawyer in the ...firm is likely to be called as a witness on a significant issue other than on behalf of the client, **and it is apparent that the testimony may be prejudicial to the client; OR**

(2) the lawyer is precluded from doing so by Rule 1.7 or Rule 1.9

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Giuffre v. Dershowitz, SDNY,

J. Preska, 10.16.19



A party must demonstrate that
the testimony is both necessary
and substantially likely to be
prejudicial



the Complaint includes

. That his conspiracy claims about Plaintiff and
Lawyers are false

.refers to Boies comments [taped]* that her
allegations are “wrong ... simply wrong”

That they “hatched a scheme to falsely accuse
[him] of sex trafficking...to extort a settlement
from another party.”

*“not wearing his attorney hat when that was
recorded”





From the tape:

Boies: ...we are convinced that your belief [that you had relations with Dershowitz is wrong

and we would like to explore with you how you could have come to this conclusion that is wrong



He has played snippets of the calls for me and other reporters, but they are difficult to interpret out of context.



Throughout the process [according to another lawyer] Boies made noncommittal comments that Dershowitz appeared to read too much into, as he held out hope for a retraction.





...the specter of one set of BSF lawyers' examining another set of lawyers, including ... David Boies.

...her trial counsel must be free to discredit Boies's prejudicial statements even at the expense of Boies's own professional reputaiton.



...several of the Firm's lawyers will be essential trial witnesses on a major claim... likely to be called by both parties...

...some may fear that the testifying attorney is distorting the truth as a result of bias in favor of his client. Accordingly, the Firm must be disqualified to "preserve the integrity of the adversary process...."





“My hope, my greatest dream, would be for this to be revealed as really a sinister plot by Boies, and that he gets what’s due to him, and Alan gets totally exonerated,”

<http://nymag.com/intelligencer/2019/07/alan-dershowitz-jeffrey-epstein-case.html>



Do

Take deep breaths

Sidestep the provocations

Postpone but affirm

Look for compromise

Offer a mulligan

Don't

Take it personally

Get sarcastic

Immediately bail

Make decisions while angry or frustrated

Give in to make it stop



Michael J. Bradley, *Crazy-Stressed: saving today's Overwhelmed Teens with Love, Laughter, and the Science of Resilience* (2017)



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LEGAL ETHICS

Lawyer Who Wouldn't Stop Talking Suspended From Federal Practice

Posted Apr 30, 2006, 09:41 am CDT

By [Debra Cassens Weiss](#)

