Filed on September 18, 2002

Bar No. 8652

SUPREME COURT

OF THE STATE OF WASHINGTON

In the Matter of the Disciplinary Proceeding Against

DOUGLAS A. SCHAFER,

an Attorney at Law.

RESPONDENT LAWYER'S FIFTH STATEMENT OF ADDITIONAL AUTHORITIES

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RESPONDENT LAWYER'S FIFTH
STATEMENT OF ADDITIONAL AUTHORITIES

Pursuant to RAP 10.7, the following additional authorities are submitted without argument:

Conference of Chief Justices Resolution 35 (August 1, 2002). On August 1, 2002, the Conference of Chief Justices <http://ccj.ncsc.dni.us/> adopted as a statement of policy a resolution identified as **"Resolution 35 In Support of Rule 1.6(b)(2) and 1.6(b)(3) of Ethics 2000."** That body consists of the highest judicial officer of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories of American Samoa, Guam and the Virgin Islands. The Conference of Chief Justices was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems, and to make recommendations and bring about improvements on such matters. The Conference of Chief Justices' Resolution 35 reads as follows:

> WHEREAS, there is national concern for the need to incorporate integrity, public trust and responsibility in the conduct of agents and advisors of corporations and other organizations in the light of the unexpected and traumatic failures in recent months of several large American corporations; and
>
> WHEREAS, the adoption by state courts and by the American Bar Association (ABA) of clear and firm ethical principles and Model Roles of Professional Conduct governing the role of lawyers as advisors to corporations will strengthen the public's confidence in corporate integrity;
>
> NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices expresses its support of the recommendation of the ABA Commission on Evaluation of the Model Rules of Professional Conduct (Ethics 2000) in its Report 401 submitted to the ABA House of Delegates with respect to Rule 1.6(b)(2) rejected by the ABA House in August 2001, that would permit the lawyer

to reveal "information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyers services;" and

BE IT FURTHER RESOLVED that the Conference likewise supports the recommendation of Ethics 2000 in its proposed Rule 1.6(b)(3) that would similarly permit the lawyer to "reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary . . . to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services."

Letter from Several Professors of Securities Regulation and/or Professional Responsibility of Noted Law Schools to Harvey L. Pitt, Chairman, U.S. Securities and Exchange Commission, Expressing Concern About the Role of Professionals in the Enron Matter and Other Frauds on Investors, dated March 7, 2002. In early Spring 2002, forty prominent law professors signed-on to a strong letter urging the U.S. Securities and Exchange Commission to defy the two-and-a-half decades of opposition by the Organized Bars (and the state supreme courts that they control) by requiring that lawyers report corporate client fraud when they discover it. Increasingly over that period, legal scholars have been exposing the blatant degree to which major law firms—with the support and virtual encouragement of Organized Bars—have been enabling rampant and extraordinarily costly fraud upon the American people. *See, e.g*, William H. Simon, *The Kaye Scholer Affair: The Lawyer's Duty of Candor and the Bar's Temptations of Evasion and Apology*, 23 Law & Social Inquiry 243 (Spring 1998).

A copy of that letter is attached as Exhibit A. It is posted, along with other similar materials, on the website of the ABA Presidential Task Force on Corporate Responsibility at: <http://www.abanet.org/buslaw/corporateresponsibility/responsibility_relatedmat.html>

Correspondence Within the National Legal-Ethics Scholars' Community. The principal author of the 40-professor letter to the SEC, above, Law Professor Richard W. Painter, University of Illinois at Urbana-Champaign, responded recently to Doug Schafer's e-mailed message to the roughly 650 members of the Professional Responsibility Section of the American Association of Law School, and expressed his concurrence as to the ugly origin of the confidentiality provisions of the ABA Model Rules. Correspondence between them and among other nationally prominent legal ethics scholars about the need for restoring public-interest exceptions to the lawyer-confidentiality rules and in other ways recognizing that lawyers have responsibilities to the general public is attached as Exhibit B.

Respectfully submitted this 17th day of September, 2002.

Doug Schafer

Douglas A. Schafer, WSBA No. 8652

March 7, 2002

The Honorable Harvey Pitt
Chairman
Securities and Exchange Commission
450 5'th Street, N.W.
Washington, D.C. 20549

Dear Chairman Pitt:

As professors of securities regulation and/or professional responsibility, we are concerned about the role of professionals in the Enron matter and other frauds on investors. While regulation of accountants has been discussed extensively at the SEC, in Congressional hearings and in the press, we believe that attention should also be given to the role of lawyers in representing public corporations, and in particular to whether lawyers should inform a client corporation's directors about violations of the securities laws. We believe that, if senior management will not rectify a violation, lawyers who are responsible for the corporation's securities compliance work should be required to make such a report.

Model Rule 1.13 of the ABA Model Rules of Professional Conduct requires a lawyer representing an organization to represent the best interests of the organization. If a lawyer believes that harm to an organizational client could result from the organization acting illegally, Model Rule 1.13 suggests a number of ways in which the lawyer could respond, including reporting the illegal conduct to a responsible constituency of the organization, reporting the illegal conduct to the organization's board of directors and resigning. Nowhere, however, does Model Rule 1.13 require a lawyer to take a specific course of action. Indeed, in the aftermath of litigation over Kaye, Scholer's representation of Lincoln Savings and Loan in the early 1990's, an ABA working group stated that among the Office of Thrift Supervision's "novel theories of professional responsibility" in the Kaye, Scholer case was the notion that lawyers have an obligation to report misconduct to superiors, going "all the way to the client's board of directors." See Working Group on Lawyers' Representation of Regulated clients, ABA Report to the House of Delegates 2 (1993). The ABA Working Group's interpretation of Model Rule 1.13 is troublesome to say the least.

However one interprets Model Rule 1.13 as currently drafted, we believe that, as a matter of public policy and corporate governance, a lawyer should inform a corporate client's directors, including its independent directors, of prospective or ongoing illegal conduct that senior management refuses to rectify. Under corporate law, a corporation is run by or under the authority of its board of directors (see e.g. Del. Gen. Corp. Law 141(a)). Directors might also have a duty to monitor corporate conduct and to assure that information about illegal activity is reported to the board. See In Re Caremark International, Inc. Derivative Securities Litigation, 698 A.2d 959 (Del. Ch. 1996). Thus, it is the right and responsibility of directors to be informed about corporate conduct and legal consequences of that conduct. A lawyer who represents a corporation in turn is ethically bound to communicate with the corporation's directors about matters concerning the representation of which they should be aware (see ABA Model Rule 1.4

requiring a lawyer to communicate with a client concerning the subject matter of the representation). It does not suffice for the lawyer to limit communication to senior management in circumstances in which senior management refuses to rectify the violation. The directors have a right to know that the corporation is violating the law and the corporation's lawyers have a duty to tell them.

SEC Rule 102(e) authorizes the Commission to disbar or suspend from practice before it a lawyer or other professional who violates the securities laws, assists in someone else's violation or otherwise engages in unprofessional conduct. Rule 102(e), or another Commission rule, should also expressly require a lawyer who represents a corporation in connection with its securities law compliance to inform the client's board of directors if the lawyer knows that the client is violating the securities laws and senior management does not promptly rectify the violation. After promulgating such a rule requiring the lawyer in such a situation to go up the ladder all the way to the board of directors, the Commission should enforce it vigorously and consistently.

The disclosure obligation we suggest that the SEC expressly impose on lawyers – to tell clients' directors when they are violating the law – is substantially less demanding than the disclosure obligation expressly imposed by federal law on accountants. Under Section 10A of the 1934 Securities Exchange Act (added by the 1995 Securities Litigation Reform Act) an auditor is required to report both to the client's directors and simultaneously to the SEC an illegal act if senior management fails to take remedial action. While some of us believe that in certain circumstances a lawyer also should be required to do more than report to a client's board of directors, others of us do not (particularly in view of the fact that lawyers and auditors have different roles in a representation). We do, however, all agree that a lawyer should be required to report illegal acts to the highest authority within a client organization.

We appreciate your effort to address the loss of investor confidence that has resulted from the Enron matter, and to rectify abuses within the accounting industry. We hope that the SEC will also insist that lawyers professionally represent their clients in connection with disclosure obligations under the securities laws.

Very truly yours,

Richard W. Painter
University of Illinois

Roger C. Cramton
Cornell University

Susan P. Koniak
Boston University

William H. Simon
Stanford University

Robert W. Gordon
Yale University

Geoffrey P. Miller
New York University

John Leubsdorf
Rutgers University

Joel Seligman
Washington University

Thomas L. Hazen
University of North Carolina

Thomas L. Shaffer
Notre Dame University

Margaret V. Sachs
University of Georgia

Nancy J. Moore
Boston University

Geoffrey C. Hazard, Jr.
University of Pennsylvania

Stephen Gillers
New York University

Judith L. Maute
University of Oklahoma

George M. Cohen
University of Virginia

Reinier H. Kraakman
Harvard University

Lisa G. Lerman
Catholic University

Elizabeth Chambliss
Harvard University

Deborah L. Rhode
Stanford University

David B. Wilkins
Harvard University

Carol A. Needham
St. Louis University

Stephen M. Bainbridge
University of California at Los Angeles

Robert F. Cochran, Jr.
Pepperdine University

Jennifer G. Brown
Quinnipiac University

Dennis J. Tuchler
St. Louis University

Joel Newman
Wake Forest University

Joseph Gordon Hylton
Marquette University

Robert W. Tuttle
George Washington University

Gregory L. Ogden
Pepperdine University

Joshua P. Davis
University of San Francisco

Edward C. Brewer, III
Northern Kentucky University

Irma S. Russell
University of Memphis

Rory K. Little
University of California, Hastings

Monroe H. Freedman
Hofstra University

Peter Joy
Washington University

Susan Saab Fortney
Texas Tech University

John S. Beckerman
Rutgers University - Camden

Kathleen Clark
Washington University

Roy D. Simon
Hofstra University

Subject: RE: WA Supreme Ct. Candidate Runs on Ethics Reform
Date: Sat, 14 Sep 2002 09:58:23 -0500
From: "Painter, Richard" <rpainter@LAW.UIUC.EDU>
To: 'Doug Schafer ' <doug@doug4justice.org>

I think you are right about the ABA Business Law Section -- the so called "confidentiality" rule in MR 1.6 is a direct result of the SEC going after lawyers in the National Student Marketing case and the Carter and Johnson case, although there are few written records in which people admit that was the rationale. I have not seen the archives, but Ted Schneyer did, and his account is quite accurate.

One thing is clear -- the vast majority of states (over 40 I believe) have rejected the ABA's version of MR 1.6 and allow a lawyer to report a future client crime if necessary to prevent that crime.

Now, the ABA has also lost on MR 1.13, which it hoped to keep vague with respect to internal reporting obligations. I tried to get them to change the rule in 1998 to require a report of a corporate client's ongoing crimes to the client's board of directors, but they refused. Last March, I got fed up with the ABA and wrote a letter to the SEC, saying that they should impose such a rule. Forty law professors signed the letter. The SEC General Counsel wrote me back, saying that the organized bar would resist SEC rulemaking in this area, and that if anyone should make federal rules for securities lawyers, it should be Congress. I sent the entire correspondence over to several Senators and they put Section 307 into the Sarbanes-Oxley Act. Try as they might, the ABA did not have sufficient clout on the Hill to get the provision out of the bill. Now, they will have to live with it.

RWP

-----Original Message-----
From: Doug Schafer
To: Painter, Richard
Sent: 9/13/2002 4:51 PM
Subject: Re: WA Supreme Ct. Candidate Runs on Ethics Reform

Prof. Painter, you've been on my mental list of folks to contact since I saw the ABA Task Force report. (Sorry at the length of this message.) My hope is that you might be able to dig into the 1972-83 archives of the ABA Business, Banking, and Corporations Section (now Business Law Section) and unearth smoking-gun documents of the "Don Evans Committee" that Prof. Ted Schneyer wrote about in his 1989 article, "Professionalism as Bar Politics: The Making of the Rules of Professional Conduct," 14 Law & Social Inquiry 677. My conviction from Ted's piece, from tidbits in The Business Lawyer, and from my

perceptions of corporate lawyer behavior, is that the 1974 to 1983 fabrication of the strict confidentiality rules as a liability shield was a direct result of the SEC and others suing lawyers in the 1970s for failing to reveal client faud, crime, or dangerousness. It taken 24 years, Enron, WorldCom, and Congress to finally implement the second of the 1978 Georgetown Proposals. Perhaps your Task Force can help implement the first 1978 Georgetown Proposal.

Cruise my website(s), and you'll encounter Schneyer's article, Pitt's, etc., etc.

Doug Schafer, Candidate for WA State Supreme Court
http://www.doug4justice.org
http://www.dougschafer.com

"Painter, Richard" wrote:

You bet!
I gather you are aware of the black eye the ABA got in Section 307 of Sarbanes-Oxley. They tried as hard as they could to lobby it out, but Congress had so little faith in ABA ethics rules that the Act requires the SEC to impose its own rules on securities lawyers.
RWP

-----Original Message-----
From: Doug Schafer
Sent: 9/13/2002 3:55 PM
Subject: WA Supreme Ct. Candidate Runs on Ethics Reform

You will find interesting reading in the election campaign website of Washington State Supreme Court candidate Doug Schafer. He is calling for moral leadership of lawyers by that Court, its restoration of public-interest exceptions to its confidentiality "ethics" rules, and other steps to change the hired gun culture of lawyers. See http://www.doug4justice.org

-------- Original Message --------

Subject: Re: The Pitt's to exhume The Georgetown Proposals (1978)
Date: Fri, 16 Aug 2002 15:44:41 -0700
From: Ted Schneyer <schneyer@law.arizona.edu>
Reply-To: schneyer@law.arizona.edu
To: Doug Schafer <doug@doug4justice.org>
CC: "Koniak, Prof. Susan P. (Boston U. Law)"

<spkoniak@bu.edu>,"Gillers, Prof. Stephen (NYU Law S.)"
<stephen.gillers@nyu.edu>,"Gordon, Prof. Robert W. (Yale Law)"
<robert.w.gordon@yale.edu>,"Hazard, Prof. Geoffrey (U. Penn.Law S.)"
<ghazard@law.upenn.edu>,"Joy, Prof. Peter A. (Wash. U.St.Lou. Law)"
<joy@wulaw.wustl.edu>,"Moore, Prof. Nancy (Boston U. Law S.)"
<nmoore@bu.edu>,"Rhode, Prof. Deborah L (Stanford Law S)"
<rhode@leland.stanford.edu>,"Schotland, Roy (GeotwnLaw)"
<schotlan@law.georgetown.edu>,"Simon, Prof. Wm H (Stanford Law S)"
<wsimon@leland.stanford.edu>,"Subin, Prof. Harry (NYU Law)"
<subinh@juris.law.nyu.edu>,"Wolfram, Prof. Charles W. (Cornell Law)"
<wolfram@law.mail.cornell.edu>,"Sporkin, Stanley"
<stanley.sporkin@weil.com>,"Cramton, Prof. Roger (Cornell Law S.)"
<cramton@law.mail.cornell.edu>
References: <3D5D5A9E.B3FEA5BE@doug4justice.org>

Doug, In light of the historical background, I agree that the recent developments are fascinating and full of ironies. Knowing a bit about Pitt's history, I was certainly amused to read his Aug. 12 speech at an ABA Business Law Section program at the Annual Meeting. But, besides Evans the only member or his committee who I remember as a significant player is Loeber Landau from Sullivan & Cromwell. I don't think I unearthed any juicy material in the ABF archives on the Evans Committee's role in the Model Rules drafting process that was not mentioned in tmy article. Nor can I remember learning anything valuable about Pitt's role by examining the archives. Thanks, though, for resurrecting my piece from the dustbin of history. Ted Schneyer

Doug Schafer wrote:

Prof. Ted Schneyer,

I trust you are following the post-Enron developments concerning lawyer "ethics" rules. Congress just enacted, in Section 307 of the Sarbanes-Oxley Act of 2002, what I believe was the second version (in Nov. 1978) of "The Georgetown Proposals." As you reported in 1989, the Don Evans Committee (formed by the ABA Bus. Banking & Corp. Section president in about 1973 to change the "ethics" rules so as to shield non-whistling lawyers -- the 1974 "except clause" amendment) fought hard to "bury" the Georgetown Proposals, apparently aided in that effort by Freid Frank's Harvey Pitt, SEC General Counsel until sometime in 1978. Ted Schneyer, "Professionalism as Bar Politics: The Making of the Model Rules of Professional Conduct," 14 Law & Social Policy 677, 698-99, 705-07 (1989)

It appears that the new proposal by the new ABA Task Force of Corporate Responsibility (the Jim Cheek Committee) that lawyers should be required

to report substantial corporate fraud is basically a resurrection of the first version (in May 1978) of The Georgetown Proposals (a proposal to require whistling to the authorities when the highest level in a corporate client fails to correct fraud).

I think it would be a shame if the true (very dark and shameful) history of the involvement of the ABA Business, Banking and Corporations Section in defeating all protect-the-public initiatives in the 1970s (both the SEC's enforcement initiatives as reflected in it's action against White & Case and Lord Bissell & Brook in the 1972 National Student Marketing case and reflected in The Georgetown Proposals) is not made a part of the public record of the Cheek Committee and/or elsewhere.

Do you know of anything more enlightening than your 1989 article on the mission, members, and activities of the notorious Evans Committee? It would be interesting to see just how major a role Harvey Pitt played in it upon his departure from the SEC General Counsel position in 1978. Do you know if the American Bar Foundation or the ABA makes available to researchers its 1972 - 1983 records concerning the Evans Committee. (The ABF has failed to reply to any of several e-mails I have sent to its staffers.)

In 1981, Harvey L. Pitt wrote, in "The Georgetown Proposals," 36 The Business Lawyer 1831 (July 1981), "The Georgetown Proposals have been denied and its is unlikely in my view that they will be resurrected ...." and "I commend to your attention a letter that was prepared under the auspices of Don Evans by the Committee on Professional Responsibility commenting on the Code which has very constructive suggestions for revision of a variety of the terms of the Code, in particular Rule 1.13."

Do you have the time and interest to dig into this? Somebody should, in my humble opinion.

Doug Schafer, solo lawyer in Tacoma, WA.
http://www.DougSchafer.com
Perennial Candidate for the Washington State Supreme Court

P.S., I touched on this dark history in papers I filed two days ago, posted at:
http://jschafer2.home.mindspring.com/Add4Authorities.pdf
and posted Pitt's 1981 article at:
http://www.EvergreenEthics.com/Pitt.Georgetown'81.pdf

-------- Original Message --------

Subject: Notice of Public Hearing

Date: Fri, 16 Aug 2002 10:12:54 -0500
From: "Kang, Grace" <Kangg@staff.abanet.org>
Reply-To: "Kang, Grace" <Kangg@staff.abanet.org>
To: CPR-MEMBERS@MAIL.ABANET.ORG

AMERICAN BAR ASSOCIATION
TASK FORCE ON CORPORATE RESPONSIBILITY
NOTICE OF PUBLIC HEARING

Friday, September 20, 2002
10:00 a.m. - 4:00 p.m.
Northwestern University School of Law
357 East Chicago Avenue, Chicago, IL 60611

On Friday, September 20, 10:00 a.m. - 4:00 p.m., the ABA Task Force on Corporate Responsibility will hold the first of three public hearings on its July 16, 2002 Preliminary Report, which is posted at http://www.abanet.org/buslaw/corporateresponsibility. This Report reflects the collective efforts of the Task Force to examine systemic issues relating to corporate responsibility arising out of the unexpected and traumatic bankruptcy of Enron and other like situations. The Report sets forth a variety of recommendations relating to internal corporate governance and lawyer responsibilities and conduct, including several proposals relating to amendment of the Model Rules of Professional Responsibility.

Please see the attached document as it includes complete details on the hearings as well as a registration form. If you have any questions, please contact Sue Daly at suedaly@staff.abanet.org or at 312/988-6244.

<<Notice of Public Hearing.doc>>

Subject: [Fwd: questions about Enron--NY Times reporter has a question]
Date: Mon, 25 Feb 2002 17:46:22 -0800
From: Doug Schafer <d_schafer@bigfoot.com>
To: "Schneyer, Prof. Ted (U. Ariz. Law)" <schneyer@law.arizona.edu>

Ted Schneyer, would you be willing to speak with this NY Times reporter about (I assume) the Organized Bar's historic defensive responses to accusations against law firms, in the context of an Enron story? I've not spoken with this reporter yet, but I sent him an e-mail saying that I was willing to do so, but suggesting he might contact Stanford's Simon, Harris Weinstein, and Stanley Sporkin. Then you also came to mind. Willing?
Doug Schafer, solo in Tacoma, Washington.

-------- Original Message --------
Subject: questions about Enron--NY Times reporter has a question
Date: Mon, 25 Feb 2002 19:07:17 -0500
From: John Schwartz <jswatz@mailgate.nytimes.com>
To: d_schafer@bigfoot.com

Hi, Mr. Schafer--I'm John Schwartz, a reporter at the New York Times. I'm putting together a story on the role of lawyers in the Enron mess, particularly Vinson & Elkins. A friend passed along a posting from you to the legal ethics mailing list, and I thought it was fascinating. I was wondering whether you'd agree to talk out some of the points you made in that posting in an interview.

Feel free to call me at 713-752-[redacted by Schafer], or reply by email.

Here's the post:
>My educated guess, from reading voluminous literature on past scandals (Nat. >Student Marketing, OPM Leasing, Lincoln Savings, etc.), is that Carol is >absolutely right. My further guess is that the Organized Bar will rally to >the defense of Vinson & Elkins and other any prominent law firm caught >red-handed in the fraud and proclaim the firm and its lawyers to be "pillars >of professional ethics." The Organized Bar may even issue Blue Ribbon Task >Force Reports, Bar Ethics Opinions, or change the ABA Model Rules >specifically to clarify any "ambiguities" that lend support to any accusers >of the fraud-enabling lawyers.
>
>Those are exactly the events that transpired when the federal Securities >Exchange Commission (SEC) charged NYC's White & Case and Chicago's Lord, >Bissell & Brook with enabling massive fraud in February 1972. The highly >Organized Bar immediately rallyed to their defense with a great volume >articles, reports, and ethics opinions. Within two years the ABA's Section >of Corporation, Banking and Business Law's specially formed committee (the >"Evans Committee") successfully orchestrated the compliant ABA >Conventioneers' approval in February 1974 of an amendment (the >"except-clause amendment") to DR 7-102(B)(1) to afford a defense to the >fraud-enabling lawyers. The Evans Committee continued through 1983 >fabricating the ABA's "ethics rules" so as to shield fraud-enabling lawyers >from their client's victims and from the SEC (that thought, shock shock, >that lawyers should protect the public by reporting clients' ongoing frauds).
>
>Very nearly the same pattern of the Organized Bar's collective defense >(perhaps instinctively in their own self-interest) of their fraud-enabling >colleagues was repeated in 1992 when the federal Office of Thrift >Supervision (OTS) charged the prominent Kaye Scholer law firm and its >lawyers with enabling Charles Keating's massive Lincoln Savings fraud. The >Organized Bar immediately condemned -- in the most shrill voice -- the OTS

>as Gestapo-like, and praised the fraud-enabling Kaye Scholer lawyers as
>virtuous and honorable champions of fundamental rights. Eventually (but
>years later) the truth trickled out, and it leads to the inescapable
>conclusion that the Organized Bar is as morally bankrupt as were the
>fraud-enabling lawyers of Kaye Scholer; of White & Case; of Lord, Bissell &
>Brook; of Singer, Hunter (OPM Leasing); and of the lawyers in every other
>highly publicized white-collar fraud orchestrated or enabled by prominent
>lawyers.
>
>Undoubtedly, many prominent "ethics experts" will get wealthier from selling
>their exculpatory opinions to Vinson & Elkins very soon, if they have not
>already done so (because for the right price, some "ethics experts" will
>issue exculpatory opinions without even investigating the facts). History
>repeats itself over and over again.
>
>Those rare lawyers who are willing to stop living in a state of denial and
>blissful ignorance ought to read some of the following:
>
>William H. Simon, "The Kaye Scholer Affair: The Lawyer's Duty of Candor and
>the Bar's Temptations of Evasion and Apology," 23 Law & Soc. Inquiry 243
>(Spring 1998).
>
>Ted Schneyer, "Professionalism as Bar Politics: The Making of the Rules of
>Professional Conduct," 14 Law & Social Inquiry 677 (1989).
>
>R.W. Nahstoll, The Lawyer's Allegiance: Priorities Regarding
>Confidentiality, 41 Wash. & Lee L. Rev. 421 (1984).
>
>Harry I. Subin, The Lawyer as Superego: Disclosure of Client Confidences to
>Prevent Harm, 70 Iowa L. Rev. 1091 (1985).
>
>The last three are posted on my website at:
> http://www.DougSchafer.com/articles/
>
>I truly believe that the amoral lawyer cult is one of the greatest threats
>to our society.
>
>Doug Schafer, solo lawyer in Tacoma, Washington.
> http://www.DougSchafer.com
> http://www.EvergreenEthics.com
>_____

John Schwartz * The New York Times * 229 W. 43rd Street * New York, NY 10036