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ABA General Practice, Solo & Small Firm Section



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Ignorance of the law excuses no man: Not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to refute him.

John Selden
(1584 - 1654)

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Proving His Patriotism Every Day: William E. Brown

By Amy Lin Meyerson

Before joining the General Practice, Solo and Small Firm Section, I never had much contact with military lawyers. My impression of military lawyers was based largely on the character portrayed by Tom Cruise in the movie *A Few Good Men*. I often hear the Section's leaders say, "GP Solo is the home of the military lawyer." Having had the pleasure of getting to know several dozen military lawyers through the Section, I now realize that most military lawyers are general practitioners, and GP Solo is indeed the ideal ABA home for them.



Our nation faces new and difficult challenges across the globe and here at home. To maintain our freedoms, interests, and way of life, the United States must not only react to these changes, but also anticipate, plan, and prepare for further challenges. Much of that responsibility falls on the men and women who serve in the United States Army JAG Corps as military lawyers.

The brave members of this agile, highly skilled force prove their patriotism every single day, and they are committed to serving our country at a moment's notice even during the most turbulent times.

One such military general practitioner is William E. Brown. William is a Captain with the U. S. Army JAG Corps. The Army JAG Corps is the oldest and second-largest law firm in the world, with offices throughout the United States and overseas. The Army JAG Corps provides attorneys with immediate experience and responsibility, and an opportunity to

practice law in a wide variety of areas.

In his practice, Captain Brown has handled a vast array of matters. Currently, Captain Brown is the chief of military justice at Headquarters, First U.S. Army, in Atlanta, Georgia. As the chief of military justice, he is the principal military justice advisor to the staff judge advocate, commanding general, deputy commanding general, First Army staff, and twenty-three subordinate commanders in thirty eastern states. Captain Brown provides legal advice on a full range of issues including military justice, domestic operational law, rules of engagement, law of war, military support to civilian authorities in times of natural or man-made disasters, and administrative separation cases.

Like many judge advocates, Captain Brown has worked extensively on criminal law cases. While serving in Oklahoma at the U.S. Army Field Artillery Center on Fort Sill, Captain Brown prosecuted soldiers at courts-martial. He has also served as a special assistant to the U.S. attorney for the western district of Oklahoma and prosecuted civilian offenders in U.S. Magistrate Court or U.S. District Court for offenses committed on federal property (i.e., military installations). These criminal cases ranged from misdemeanor offenses to felony cases. In the civil law area, Captain Brown has handled administrative law issues, which include military and civilian personnel law, and he has had limited exposure to environmental law, labor law, personal injury, and contract law matters.

While serving as a legal assistance attorney, Captain Brown has provided counsel and limited representation to soldiers, retirees, and their families in areas such as estate planning, family law, landlord-tenant law, federal and state tax matters, and consumer protection. As an international and operational law attorney, Captain Brown provided legal advice to military leaders in the international arena, interpreting treaties (e.g., Hague Treaties), international conventions (e.g., Geneva Convention and Geneva Protocols), and rules of engagement.

As Captain Brown's career progresses in the Army JAG Corps, he will have the opportunity to represent individual soldiers or the Army before different levels of appellate courts, including the Supreme Court of the United States; or he may specialize in different areas of law, such as employment law, international law, contract law, labor law, or environmental law. Some senior judge advocates (and perhaps one day Captain Brown) will serve as military judges at the trial and appellate levels. For more information on the U.S. Army JAG Corps, click on the following website: www.jagcnet.army.mil.

Captain Brown earned his Juris doctorate and certification in labor and employment law from St. Louis University School of Law. While at St. Louis University, he served as president of the Black Law Students Association. Captain Brown received a bachelor of science degree from Vanderbilt University, where he was a member of the varsity football team and served as president of the Kappa Alpha Psi fraternity chapter. Captain Brown

continues to serve on the board of directors for the Vanderbilt University Alumni Football Players Association “Gridiron Club.”

While serving on active duty in the U.S. Army, Captain Brown received numerous awards and accommodations including the National Defense Service Medal, Military Outstanding Volunteer Service Medal, Army Commendation Medal, Army Achievement Medal, Global War on Terrorism Service Medal, Army Superior Unit Award, and the Army Service Ribbon. In addition, Captain Brown received awards and recognition from military leaders with whom he provided legal support, including the commander of the 3rd Brigade/85th Division, for outstanding legal support, and the commander of the First U.S. Army for service as a judge advocate in providing legal support during the mobilization and deployment of military forces during Operation Iraqi Freedom.

Captain Brown is actively involved in a number of civic and community organizations. Notably, he has served as a judge for the Teen Court Program, a nationally renowned youth crime prevention program that trains teenagers to serve as advocates and jury members for teens who have elected to have their misdemeanor cases held in Teen Court in lieu of the juvenile court system. As a volunteer for the Habitat for Humanity Program, he has helped build homes for the indigent in the Atlanta metropolitan area. Captain Brown spends a great deal of time mentoring to students at local public schools. During the mentoring sessions, he spreads a message of hope, patriotism, and success through education to students.

Captain Brown and his wife, Dr. Marilyn A. Brown, a pediatrician with WellStar Pediatric and Adolescent Group in Atlanta, established the Brown Family Foundation that provides educational scholarships to students interested in attending law school or medical school. For his nonprofit work and other services to his community, Fort McPherson’s Channel 21 recently spotlighted Captain Brown in its weekly show *Focus on People*. Click on the link below to view the reprinted transcript of the show detailing Captain Brown’s volunteerism and community service. <http://www.abanet.org/genpractice/military/williamsbrown.html>

How can you get to be this incredible lawyer/soldier’s friend you ask? Just join the Section! Captain Brown is extremely active within the Section. This year he is taking on the following:

- Strategic Communications Committee, Chair
- Outreach Committee, Deputy Chair
- Military Law Committee, Vice Chair
- Corporate Sponsors Committee, member
- Young Lawyers Committee, member

While Captain Brown, his wife, and their three children call Atlanta, Georgia, home, his

ABA home is with the GP Solo Section.

Amy Lin Meyerson is a solo practitioner in Weston, Connecticut, practicing in the area of domestic corporate law, concentrating in formation and growth of emerging businesses, mergers and acquisitions, executive compensation, employment law, computer law, corporate finance, intellectual property protection, and development and venture capital. She serves as the Chair of the GP Solo's Outreach Committee. Amy may be reached at ameyersonesq@optonline.net.

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Turning Your Daily Commute Into a Training Session: The Chicago Saxophone Lawyer

By Amy Lin Meyerson

Who is the Asian guy playing in that band? No, it is not the lead singer for Hoobastank—it is Michael P. Chu. Mike is a partner with the Chicago law firm of Brinks Hofer Gilson & Lione, where he specializes in patent and trademark law. Mike serves on the firm's Diversity Committee and is a former chair of the firm's Associates Committee. Mike holds a B.S. degree in mechanical engineering from the University of Illinois, and a J.D. from The College of William and Mary in Virginia.



Although his geeky IP job is certainly interesting, the incredible ways that Mike has been able to find time to enjoy life outside of the practice of law are what is fascinating about him. This father of three kids runs marathons, plays the saxophone, and sings in an a capella group. To fit marathon and triathlon training into his busy schedule, he turns his daily commute to and from work into a fitness routine. "I looked at my commute time as a free hour to train with no time loss in my day," says Mike. Most mornings he runs or bikes six miles to his office on the Chicago lakefront. Then, at the end of the workday, he turns around and runs or bikes home. Even when he is out-of-town on business, he gets his morning run in before his first meeting begins. Mike has competed in two Ironman races and completed his ninth marathon on October 9th.

His life as a lawyer and passion for music intersect when he plays saxophone with other attorneys. Mike plays first-chair alto saxophone for the Chicago Barrister's Big Band of the Chicago Bar Association and classical alto sax in Chicago's Esquire Saxophone Quartet. He also sings first tenor with an a capella group called the Other Other Guys and dabbles in portrait photography. Here's a picture he took of his daughter's friend's dog.



“The nice thing about these activities is that those involved can participate at their own pace. We’re all busy with family and professional activities (many of us are lawyers), and leisure activities need to be just that: leisure. With music, we rehearse when we all have time. If we’re too busy, we don’t. There’s no pressure, and that keeps us interested and excited about what we’re doing,” says Mike.

He also gives back to his community. On November 1, 2004, Mike will become the president of the National Asian Pacific American Bar Association (NAPABA). Throughout his career, Mike has maintained a strong commitment to the Asian Pacific American (APA) community through his bar activities and volunteer work. Mike has been a dedicated member of NAPABA for several years through its Partners Forum and as a speaker at various NAPABA conventions. Mike has also served on NAPABA’s Board of Governors as VP Finance, VP Development, and chair of the Personnel Committee. Mike was privileged to be chosen as one of NAPABA’s “Best Under 40” attorneys at its 2002 convention. Within his local community, Mike has served on the board of the Asian American Bar Association of the Greater Chicago Area for 4 years and remains on the board today. In addition to serving the Midwest’s APA community through AABA-Chicago’s activities for nearly a decade, Mike has worked to improve communication and relations between the Midwestern APA legal community and NAPABA. Mike is also a frequent speaker on both legal and APA issues.

Of course, Mike’s successes in life would not be possible without the support of his family, especially that of his wife, Stephanie. The couple met and began dating in law

school and have had a successful partnership ever since. Mike, Stephanie, and their three children (ages 7, 5, and 2) live in Chicago.

Amy Lin Meyerson is a solo practitioner in Weston, Connecticut, practicing in the area of domestic corporate law, concentrating in formation and growth of emerging businesses, mergers and acquisitions, executive compensation, employment law, computer law, corporate finance, intellectual property protection, and development and venture capital. She serves as the Chair of the GP Solo's Outreach Committee. Amy may be reached at ameyersonesq@optonline.net.

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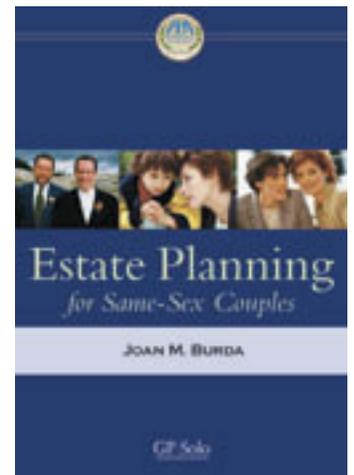
Estate Planning for the Same-Sex Couple

By William Schwab

I had known him for over a decade as a divorced professional with grown children. I never saw him with a woman, but I didn't think twice about that. Then he retired and came to see me for estate planning purposes with his friend who I learned he had been with for all the time I knew him. But then, I really had not known him and the life he led. He had come out of the closet to me.

I didn't think any less of him, but I began to appreciate the unique issues facing gays and lesbians in our society. For years he kept his private life private, and as his lawyer I had advised him without knowing all the facts. This was dangerous for him, but also professionally dangerous for me because I saw only a part of my client and knew only a part of his story. I could have inadvertently committed malpractice.

For the first time in my career, I was faced directly with the issue of estate planning for a same-sex couple. I had to ask myself "Where do I start? What am I overlooking that is unique to this client?" I know how to prepare a will, powers of attorney, and living wills, but was I overlooking anything? Married couples have certain inalienable rights under state law—divorce, inheritance, and so forth. These rights did not apply to this client. Neither did the ethical issue of representing two separate individuals, or (in other words) the ugly face of dual representation. I never considered that I needed a unique retention agreement to represent a same-sex couple, because under law they are two individuals. It just was something that didn't occur to me.



Into this void comes a new book that has just been published by Joan M. Burda entitled *Estate Planning for Same-Sex Couples*. From an introductory chapter that puts the unique nature of a same-sex couple into a context that heterosexuals can understand and identify with, this book lays out in clear, easily understood language the issues that a lawyer faces when dealing with a same-sex couple. The book gives the lawyer the tools to represent the couple properly.

Burda tells the story of a Florida couple that had everything in one partner's name. He died, and his partner's family encouraged his long-time partner to take a walk on the beach. While he was out they changed the locks on the house and took the dog to the pound. The mourning friend did not even have the legal rights to go back into his home for his clothes. A lawyer who properly represented that couple could have carried out the couple's wishes without any heartache.

To put it simply, the book is a virtual checklist of what needs to be reviewed. It outlines and gives examples of agreements such as domestic partner agreements and agreements for burial and medical care. And let's not forget the family dog, which is provided for in a pet trust. For those couples with minor children, Burda devotes an extensive portion of the book to custody and guardianship issues and the documentation that is needed to properly represent that couple. Burda also provides a practical help by including easily modified forms on a CD.

It is a book for today's lawyer, practicing in today's society. I recommend you make the investment, whether you devote your practice exclusively to estate planning, or are like me, a general practitioner who first faced the situation after practicing 26 years.

The book is available for \$59. The price for GPSSF Section members price is only \$45.

[Find out more and order the book.](#)

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Technology Meets Real World Practice (The Practice Wins)

By Evan Loeffler

As computer and digital technology continue to improve, more and more computer-based solutions are available for the harried law practitioner. When I started law school in the early 1990s, legal research was primarily done in large rooms called “libraries” containing brick-like tomes of arcane legal reasoning called “books.”

Westlaw and Lexis were available, but only on stand-alone machines that required the user to stoke a coal fire that kept the boilers burning, and to periodically sacrifice a goat (or a legal intern, which was usually cheaper) to the computer gods. Today, by comparison, I am sitting in a donut shop a few miles from my office typing this article on a laptop computer. If I were inclined to do legal research, I could do so over a wireless network without getting up or plugging anything in.



When I passed the bar in 1994, the first thing I purchased was a Dictaphone, which was then considered an absolute necessity for writing legal memoranda. Today I am able to dictate directly onto the computer, although my experience has been that this seriously annoys the other patrons of the donut shop.

Technology, while awe-inspiring, does not make one a better lawyer. It is the intelligent and strategic implementation and use of these tools that helps the efficiency of the lawyer and improves his or her practice.

I learned this lesson some time ago when I first used dictation software. My client, Charles Parker, had recently purchased a new home. To improve his view, he cut down a

large tree that was growing in the center of his yard. His neighbors objected, because the tree also blocked the neighbors' view of my client's house. Since the tree was not on their property, however, there was nothing they could do. A few weeks later the neighbors built a 30-foot fence on the property line. I researched the issue and determined that building a fence solely to block the view of a neighbor ran afoul of the single most amusing legal term in Washington State law: "malicious erection."

My client brought suit to require the neighbors to remove or reduce the height of their fence. I prepared a legal memorandum in support of my client's position using the newest, most fangled dictation software technology available. Unfortunately, the developers of such technology did not take certain factors into consideration. First, there is the problem of the computer, which was assembled in Texas, and the software, which was programmed in California, understanding my accent, which is a product of having grown up in Boston.

"Computah," I said into the microphone. "Create a new Wahd dohcument in the Pahkah foldah."

"Dude," said the computer. "Like, I can't understand ya'll."

"Whadya mean you don't unnerstan'?" I asked. "I wanna dictate a brief. Open a \$%&@# document!"

"Dude," the computer protested. "Like, there's no need for all this cussin' and swearin'."

I explained that "\$%&@#" is a term of endearment where I grew up, but this was fruitless as the computer didn't understand the term "endeahment." I finally brought the computer to heel after installing a Bostonian to English dictionary (at a cost of \$29.95), and after paying a computer expert to turn off the annoyingly cheerful animated paperclip that cheerfully insisted on correcting my diction.

Unfortunately, dealing with all these side issues took longer than I had planned. I had to scramble to get the brief filed by the deadline, and I did not proofread the finished product as thoroughly as I might have. The magnitude of this problem was not clear to me until oral argument on my motion seeking a declaratory judgment that the neighbors' fence was built solely to spite my clients and block their view, thereby satisfying the elements of "malicious erection."

"Counsel," said the judge, "who is responsible for this brief?"

In hindsight, I suppose I should have guessed this was not a ringing endorsement of my writing skills when he held it up the brief as if it was something he fished out of the sewer.

“I am, your Honor,” I said.

“Well, Counsel, for future reference, you may take notice that the court is not amused by your editorial comments!”

“Editorial comments?” I echoed. “Your Honor may be mistaking my zealous representation of my clients for—”

“Zealous representation?” the Court asked derisively. “Let me read a few interesting sections of your brief”

As the judge read the brief aloud, two things became clear; first, that I had giggled uncontrollably every time I used the term “malicious erection”; and second, that while dictating I had had the radio on in the background tuned to a Top 40 station. Thus, my brief and—through the efforts of the judge—the court record was replete with bizarre but unique passages:

- The defendants’ malicious erection—hah hah hah—materially affects the plaintiffs’ enjoyment of the premises. I fought the law and the law won. I fought the law and the law won.
- Pursuant to Washington law, an injunction may be granted to restrain the malicious erection of any structure intended to spite, injure, or annoy an adjoining landholder. I like mine with lettuce and tomato, Heinz 57, and French fried potatoes. A mandatory injunction lies to compel the abatement and removal of any such structure. Well, good God almighty, which way do I steer?
- The plaintiff, therefore, like a bridge over troubled water, prays for an order directing the defendants to remove their malicious erection—snicker, chortle, guffaw—and lay me down.

The dictation software was not equipped to tell the difference between the pearls of legal wisdom as they fell from my lips and the meaningless background drivel coming from the radio. Fortunately, the judge was able to tell the difference, and my motion was granted. The judge, however, made his displeasure with my brief known in addressing my request for an award of attorneys’ fees:

“I find that the plaintiffs’ request for an award of attorneys’ fees should be granted, subject to the *handwritten* promise of plaintiffs’ counsel that he will immediately enroll in a continuing legal education class on how to write a legal brief.”

The lessons I took from this experience were several, the most important being the value of not relying too blindly or heavily on technology. More importantly, the necessity of editing all written material before leaving one's office cannot be overstated. Finally, I learned that it is generally best not to convince the judge in prehearing briefing that I am an idiot. It is difficult to disprove, and I find that proving the fact in person (if necessary) is no trouble at all.

Evan L. Loeffler is of counsel to the law firm of Harrison, Benis & Spence, in Seattle, Washington, where his practice emphasizes real estate litigation.

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Unlocking Your Potential, or Deciding Which Fork in the Road to Take

By Alfreda D. Coward

As lawyers, we often wonder whether we are choosing the right paths for our careers. This year's ABA Young Lawyer Division (YLD) member service project, entitled "Unlock Your Potential," is designed to aid us in that assessment. "Unlock Your Potential" will focus on the various career paths available to young lawyers and will provide programming designed to highlight various career options. The program's focus this year will be to assist young lawyers in evaluating whether solo practice is the path best for them. In "Hanging Out Your Shingle," young lawyers will receive materials designed to assist them in exploring the various facets of forming and developing a law practice. The program will also offer suggestions regarding financing and marketing a solo practice.

The program kicks off at the ABA Midyear Meeting in Salt Lake City. Our keynote speaker will be Jay Foonberg, author of *How to Start and Build a Law Practice*. Written materials will be distributed at that meeting. We will also give out key chains bearing the logo for the "Unlock Your Potential" program. In connection with the program, monthly features of career-related subjects are available on the [ABA/YLD website](#). Lastly, we are also developing a resource guide for all those who are interested in going solo.

Although the focus for this year will be to assist young lawyers in transition to solo practice, resources and programming will be available for those young lawyers who are interested in pursuing other career paths. One such resource will be the unveiling of a new and improved career resource section of the ABA/YLD website.

It is our hope that "Unlock Your Potential" will provide young lawyers with the keys to finding the career paths that are right for them.

Alfreda D. Coward is the Coordinator of the ABA YLD's "Unlock Your Potential" program. She and her sister, Kimberly D. Coward, are partners of Coward & Coward, P.A., a law firm in Ft. Lauderdale, Florida that handles, among other matters, capital litigation.

Coward recently started a not-for-profit organization called One Voice Children's Law Center. One Voice represents "crossover" children in Broward County, FL. Crossover kids are defined as those kids that have pending matters in the dependency (abuse and neglect) and delinquency (criminal) courts. These children will also qualify if they have pending matters in the education system that may require legal advocacy.

For more information about the "Unlock Your Potential" Program, contact Alfreda at Coward & Coward, P.O. Box 25487, Fort Lauderdale, FL 33320, e-mail: alfreda@cowardlaw.com; phone: 954-653-0880, fax: 954-485-0150.

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The Old Man's Words of Wisdom

"I don't want to be a lawyer any more."

"I would never go into law again."

"I tell my kids never become a lawyer."

The longer a lawyer practices, the more you hear these comments. And you hear fewer and fewer comments like "I love the law and couldn't imagine doing anything else."



We've all heard those comments, whether we've been practicing 5 months or 50 years. The cacophony seems always present. Why the two divergent viewpoints? And why do you hear these comments more the longer a person practices?

As part of the group that couldn't imagine doing anything but practicing law, I think it is because being a lawyer is hard work. It is a career in which you never master everything. You must grow constantly, but I think it is more important that when you practice you have fun in the law occasionally. That's something they don't talk about in law school or the profession generally.

We talked about legal research, trial techniques, and writing and arguing legal theories, but going through law school we didn't talk about how practicing law can be fun. As lawyers we don't talk about taking a case because of a novel theory or because it interests us, but rather we talk about making money. Maybe periodically during each of our careers we need to take a pro bono or what I call a "fun" case just so we can get

excited about the law again.

I did that recently when I represented a senior citizen who felt that she should not have to shovel snow off her sidewalk just because she had a sidewalk, while her neighbors without sidewalks did not have to shovel. While the decision is still pending before the judge, it was uplifting to argue the Constitution like I did during breaks at law school. Equal protection and due process were basic points in my argument. What was the town's rational basis for their ordinance to have my client shovel a footpath just because she had a concrete walkway, while her neighbor only had a grass one? Then again, trying a case without calling a "sidewalk" a sidewalk got comical as I at various times referred to "it" or "footpath" or "walkway."

Needless to say, it was the talk around the courthouse, and the local paper played up this "big" case. More important, though, it got me more excited about a case than in a long while. Looking back over my 26-year career, when I got discouraged about the law, somehow I always seemed to take a case, not for the money, but for the challenge and the fun of it.

Getting bored in the law? Try a fun case!

—William G. Schwab, now learning the law for more than 27 years

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Dear Mike

By Mike McBride

I have met the man of my dreams. He is warm, funny, and sensible. The problem is that I am handling his divorce. I know ethically I shouldn't have done anything until the end of the case, but it's too late for that now. I also spent the night with him last night. As an associate, how should I talk to the partners to get me out of my ethical conflict? I don't want to be fired. I love the man, but I love the job, too. —Torn in Love



Dear "Torn in Love":

As the pop singer Michael Bolton sang, "Love is a Wonderful Thing," but you have a predicament. You are mired in a number of thorny ethical issues. Although no rule of the American Bar Association's Model Rules of Professional Conduct explicitly prohibits intimate relationships with clients or requires withdrawal from representation, a number of Rules suggest that this is dangerous territory. Further, some states do have specific rules that outright prohibit lawyers from sleeping with their clients. For example, North Carolina and Iowa explicitly prohibit lawyer-client sex. In California, you have to apply a complex rule meant to prevent client "sexual exploitation." First, you had better closely read your jurisdiction's professional rules.

In my jurisdiction, the Oklahoma Bar Association's Ethics Committee has opined that a lawyer and her client having sex could violate one or more professional rules—excepting a sexual relationship formed prior to a legal representation (e.g., marriage). See Oklahoma Ethics Opinion No. 311, www.okbar.org/ethics/311.htm. This Opinion relies

primarily on Rule 1.8 of the Oklahoma Rules of Professional Conduct and the Comment. The ABA Model Rule is the same. The Comment provides “As a general principle, all transactions between client and lawyer should be fair and reasonable to the client.” Sleeping with your client jeopardizes professional objectivity, independent judgment, and can hurt the special fiduciary relationship lawyers and clients form.

You should consider the myriad ethical concerns. The Oklahoma Ethics Opinion warns that lawyer-client sex may

(i) jeopardize the lawyer’s ability to competently represent the client; (ii) involve unfair exploitation of the lawyer’s fiduciary relationship with the client; (iii) compromise the lawyer’s exercise of independent professional judgment in rendering of candid advice during the representation; (iv) create a conflict between the interests of the lawyer and the interests of the client; (v) jeopardize the lawyer-client privilege with respect to confidences imparted; and (vi) be prejudicial to the administration of justice.

Of particular concern is the vulnerability of a divorcing spouse (yes, men too!), although this concern has traditionally been more greatly ascribed to women, particularly homemakers. Also, should the opposing spouse find out about the lawyer-client sexual relationship negotiations or decisions affecting custody, visitation or property division could be compromised to your client’s detriment.

As reflected by the lack of a clear rule prohibiting lawyer-client sex, the issue has been hotly debated in academia and in various jurisdictions. Some argue that lawyer-client sex implicates deeply held, constitutionally protected interests of “freedom of association” and “freedom of expression.” It is also arguable under Rule 1.7 (b)(1) that representation could proceed if the lawyer reasonably believes that representation will not adversely be affected. However, questions remain whether the divorcing spouse can knowingly consent to representation with full objectivity in this situation. Currently, the prevailing position of courts and bar associations that have gone as far is that absolutely banning lawyers from sleeping with their clients passes constitutional muster.

I would recommend a conservative course. You should not represent your client and be his lover. I recommend you take steps to remedy your professional relationship and prevent violation of Rules of Professional Conduct. First, talk to your managing partner about the situation and speak with your client. You may need to cease the client sexual relationship. It may be necessary for you to withdraw from representing your client. The disclosure and subsequent steps will be difficult, and perhaps painful, but are necessary to protect your client’s interests—the foremost concern.

Love is often unexpected. It is a normal part of life and is understandable. Perhaps another member of the firm could step in to represent him. Be very careful, though. We

should abide by the professional limitations. Discussing and working through the issues with your managing partner can help preserve your job. Do not delay the discussions.

Legal scholars find this topic of intimate client relationships sexy as well. Two leading articles are Abed Awad, *Attorney-Client Sexual Relations*, 22 J. Legal Prof. 131 (1998) and Linda Fitts Mischler, *Reconciling Rapture, Representation, and Responsibility: An Argument Against Per Se Bans on Attorney Client Sex*, 10 Geo. J. Leg. Ethics 209 (1997). To sort out the gray area issues you presented, my firm partner, Professor Steven K. Balman of the University of Tulsa helped provide guidance. Thank you, Steve!

D. Michael McBride III is a Council member of the ABA General Practice, Solo and Small Firm Section. He also serves on the ABA Standing Committee for Judicial Independence. McBride practices federal Indian law and litigation in Tulsa, Oklahoma, where he is a Director and Shareholder of Sneed Lang, P.C. He also serves the Kaw and the Pawnee Nations as an associate justice of their respective Supreme Courts.

Got a question for Mike?

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Trivia

Question:

What amendment limits the power of the federal government?

Answer:

The Tenth Amendment reserves powers to the states and the people.

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Advocational Vocab

Test your vocabulary.

Do you notice the differences among the following?



dose

equable

doze

equitable

Answers:

dose—(n.) a measured quantity

equable—(adj.) even; tranquil

doze—(v.) to sleep lightly

equitable—(adj.) just; right

Now test your friends and colleagues.

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Tips from GPSSF Section Publications

Representing Lesbian and Gay Clients

Before deciding to represent lesbian and gay (LG) clients, you must first determine your own comfort level.

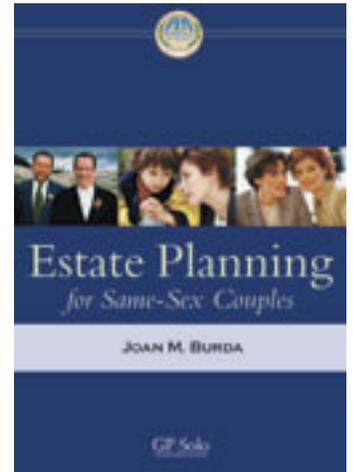
Usually, the client is told to “go with your gut” when selecting an attorney. That is still true, but you must also decide whether you are comfortable dealing with LG clients. Be aware of your own feelings about gay men and lesbians.

Clients may ask questions on the following issues:

1. Do you have experience dealing with sexual orientation or AIDS-related issues?
2. Have you represented other LG clients?
3. Do you have any personal doubts or issues about equal rights and treatment for LG clients with HIV or AIDS?
4. Are you familiar with legal arguments used against the interests of LG clients?
5. Are you comfortable seeking assistance from LG organizations?

From *Estate Planning for Same-Sex Couples*
by Joan M. Burda

[Find out more and order the book.](#)



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Make Your Nominations for the ABA Pro Bono Publico Award

Please nominate a colleague or law firm for the 2005 ABA Pro Bono Publico Award. We encourage you to nominate lawyers of color and women. The deadline for nominations is March 24, 2005. The Awards will be presented during the ABA Annual Meeting on August 8, 2005, in Chicago, Illinois, at a special luncheon.

For information about past recipients, nomination guideines, and a nomination form click here:

http://www.abanet.org/legalservices/probono/pbp_current_recipients.html

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In This Issue's Section News:

- Upcoming Meetings
- Public Service Program Still in Full Swing
- 2004–2005 Diversity Fellows Announced

Upcoming Section Meetings

The General Practice, Solo and Small Firm Section will be traveling to some exciting places this year for our upcoming meetings. Hope you will be able to join us!

WINTER 2005:

February 9–15, 2005
ABA Midyear Meeting
Salt Lake City, Utah
Grand American

SPRING 2005:

May 18–25, 2005
Spring Meeting (*Joint Mtg. with the ABA Young Lawyers Division*)
Miami, Florida
Fontainebleau Hilton

SUMMER 2005:

August 4–10, 2005

ABA Annual Meeting
Chicago, IL
Sheraton Chicago

For more information on upcoming meetings and events, please visit <http://www.abanet.org/genpractice/events/index.html> .

Public Service Programs

The Section Public Service Committee has taken on two projects this year, Tolerance Through Education (featured below) and the We the Jury (to be featured next issue.)

[Tolerance Through Education Initiative](#) [Welcome to School: Helping Kids Belong](#)



The headlines continue concerning hate-motivated attacks against individuals in our communities. As our schoolyards and workplaces continue to become a mosaic of cultures, the need for teaching tolerance remains a timely and important undertaking. You can be an instrumental part of teaching tolerance through education by participating in the General Practice Solo, and Small Firm Section's national public service project.

For more information and to view the online toolkit, please visit

http://www.abanet.org/genpractice/GP_Solo/main.html.

2004–2005 Diversity Fellows Announced!

The Diversity Fellows Program is designed to promote ethnic diversity within the Section, recruit members of color, and provide leadership development opportunities within the Section for members of color.

The Section's Diversity Committee and Membership Board identifies and nominates four lawyers of color who will be appointed by the Chair-Elect to funded fellowship positions within the Section, effective during the following bar year. Upon completion of successful active participation in the first scholarship year, these participants will then be appointed to regularly funded positions within the Section the following bar year, giving

consideration to the Section's existing needs and the participants' preferences based upon the first year participation.

This year's Fellows are:

- Elizabeth (Lisa) Castilleja
- Kevin L. Brown
- Travis W. Trueblood
- Rodd C. Walton

To find out more about the Diversity Fellows program and this year's Fellows, please visit

<http://www.abanet.org/genpractice/diversity/fellows.html>.

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The ABA General Practice, Solo and Small Firm Section provides many career-building opportunities

- **Award-winning periodicals**

Look to **GPSolo** magazine for the latest trends and legal developments. Special issues include the **Technology & Practice Guides**, loaded with essential software and technology reviews, and **Best of ABA Sections**, featuring articles selected for you from other top ABA publications.

Our quick-read newsletter, **Solo**, provides practical answers to your practice questions.

Up-to-date e-publications to supplement **GPSolo** and **Solo**:

- **Law Trends & Practice e-newsletter** — Compliments the Sections' substantive practice areas.
- **GPSolo New Lawyer** — Offers career and practice tips.
- **GPSolo Technology eReport** — Gives answers to your technology questions.

- **Savings that exceed the cost of your membership!**

Special member discounts on all GP|Solo books and sample forms on disk, which provide essential tips for profitably managing your practice and serving your clients well.

- **Corporate sponsor discounts**

- **WestCLE** — Up to 30%–50% discount on GP programs.
- **Casesoft** — \$340 discount on bundled software.
- **Lawyers Weekly** — Free trial subscriptions and live web news feed on GP website.

- **Free access to specialized information from GP|Solo Committees**

As a free benefit of your GP|Solo membership, join up to three substantive committees to receive even more specialized information that may not be available anywhere else. In addition, you have the option to give your input on relevant topics and timely issues, and contribute articles or suggestions to Section publications.

- **Continuing legal education**

You have access to a full schedule of seminars, national institutes, and other educational offerings at Section meetings.

- **Networking opportunities**

Meet attorneys from across the country who share your professional interests. Members enjoy a unique opportunity to debate, analyze, and learn from one another while shaping the work of the profession and forming invaluable relationships.

- **Leadership opportunities**

GP|Solo gives its members the opportunity to participate in the governance of the Section. Committee participation allows members to pursue their specific areas of interest, and also provides valuable opportunities to meet and work with colleagues from across the country and abroad. We welcome the participation of lawyer, associate, and law student members, including special opportunities through our Diversity Fellows Program.

[Join today!](#)

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