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President

**AMERICAN BAR ASSOCIATION**

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April 25, 2014

Sent via email to [info@rga.org](mailto:info@rga.org)

The Hon. Chris Christie, Chairman  
Republican Governors Association  
1747 Pennsylvania Ave. NW, Suite 250  
Washington, DC 20006

Dear Governor Christie,

I am writing to express the American Bar Association's concern over the Republican Governors Association's new video ad that vilifies a South Carolina gubernatorial candidate for the criminal defense work he performed earlier in his career.

The ABA, which has almost 400,000 members, does not endorse political candidates, and I am not writing in support of or against any candidate in this race. However, as leader of the nation's largest lawyers' organization, I am writing to express that the message the ad sends is wrong in the context of the American system of justice, and it must be rejected.

A fundamental tenet of America's justice system and Constitution is that anyone who faces loss of liberty has a right to legal counsel. Lawyers have an ethical obligation to uphold that principle and provide zealous representation to people who otherwise would stand alone against the power and resources of the government — even to those accused or convicted of terrible crimes.

The American people understand this obligation. The corollary principle stated in the ethical code that governs lawyers' conduct (Rule 1.2(b) of the ABA Model Rules of Professional Conduct) states that "[a] lawyer's representation of a client does not constitute an endorsement of the client's political, economic, social or moral views or activities."

This legal ethics provision is also consistent with long-standing American legal tradition. For hundreds of years, dating back to John Adams' passionate defense of British soldiers after the Boston Massacre, we have valued the importance of legal representation, even for those who are disfavored by society.

The rule of law that governs our society delivers justice specifically because everyone has a right to competent representation. This right is especially important for those who arouse our fear and anger, to ensure that the process by which they are judged is fair and just. This process is what distinguishes us from our darker history, when mobs decided guilt or innocence and punished those they deemed guilty.

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The ABA believes that all qualified lawyers should stand ready to undertake the defense of an accused person, regardless of public hostility toward the accused or personal distaste for the alleged offense. Many tens of thousands of lawyers answer this call every day by providing representation to criminal defendants.

The Republican Governors Association ad sends a disturbing message to lawyers — that their clients' past actions or beliefs will stain their own careers, especially if they want to serve their country in public office. Voters who subsequently pass judgment on the candidate for the singular reason that he was a competent lawyer are disqualifying him from public service. On the contrary, lawyers who represent unpopular or guilty clients demonstrate the kind of courage and confidence in our legal system that characterizes the finest public servants.

Since you are a lawyer yourself, I trust you share the ABA's concerns and hope that you join us in rejecting the ad's message that undermines trust and confidence in our nation's rule of law.

Sincerely,

A handwritten signature in black ink that reads "James R. Silkenat". The signature is written in a cursive style with a large, prominent initial "J".

James R. Silkenat

cc: Phil Cox, Executive Director