

VOICE OF JUSTICE

The First Amendment rights of lawyers are ethereal. Most lawyers fail to realize that courts may deny them access to the First Amendment’s protective shield in many regulatory and disciplinary contexts. Overall, attorneys cannot and should not assume that they can obtain First Amendment protection – especially when acting *as an attorney* in their role as an “officer of the court.” Yet, it is precisely in the lawyering context – where attorneys engage in speech, association, and petitioning for the very purpose of securing client rights, invoking law, enabling the judicial power, and obtaining justice – that the need for First Amendment protection is the most acute. If regulators silence that voice, they silence justice. From overarching theory to specific real-world contexts, this illuminating book provides a critical resource for lawyers, judges, and scholars to understand the relationship between the First Amendment rights of lawyers and the integrity of the justice system.

MARGARET TARKINGTON is a professor of law at the Indiana University Robert H. McKinney School of Law. Her scholarship bridges specialties in constitutional law, lawyer regulation, and procedure – harnessing the First Amendment as a means to protect the integrity of government processes. In addition to teaching and writing on these topics, she has served as an expert consultant on disciplinary proceedings brought against attorneys for their speech, association, and petitioning. She serves as the 2018 Chair of the AALS Professional Responsibility Section. She previously practiced law in New York, Indiana, and Utah and is the mother of six children.

Cambridge University Press
978-1-107-14683-9 — Voice of Justice
Margaret Tarkington
Frontmatter
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RECLAIMING THE FIRST AMENDMENT
RIGHTS OF LAWYERS

MARGARET TARKINGTON

Indiana University Robert H. McKinney School of Law



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UNIVERSITY PRESS

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CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107146839

DOI: 10.1017/9781316544549

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First published 2018

Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library.

ISBN 978-1-107-14683-9 Hardback

ISBN 978-1-316-60098-6 Paperback

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*For my children,
Joseph, Eli, Maisy, Cyrus, Gabriel, and Hal,
and with gratitude to
Alexander Meiklejohn,
whose work shaped my view of the relationship
between government processes and the First Amendment, and
Monroe H. Freedman,
who greatly encouraged me as a new scholar
and helped me understand lawyers' ethics.*

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Acknowledgments

A special thanks to participants of the 2017 Legal Ethics Schmooze, UCLA School of Law, who gave helpful comments and encouragement of this project, including Benjamin Barton, Scott L. Cummings, Bruce A. Green, Renee Newman Knake, Carol A. Needham, Russell G. Pearce, Deborah L. Rhode, Rebecca Roiphe, Ann Southworth, Norm Spaulding, W. Bradley Wendel, and Ellen Yaroshefsky.

Heartfelt appreciation also is given to my father, Jim Robertson, for providing insightful comments and edits to the manuscript.

I would like to thank the following for permission to include the identified materials:

The American Bar Association for quotations from the MODEL RULES OF PROFESSIONAL CONDUCT and the STANDARDS FOR CRIMINAL JUSTICE: THE PROSECUTION AND DEFENSE FUNCTIONS.

Paul K. Ogden, for quotations from his blog post, *Pennsylvania Supreme Court Silenced Attorney Whistleblowers Who Could Have Reported “Kids for Cash” Judicial Scandal*, DISBARRING THE CRITICS, Jan. 9, 2014, <http://disbarringthecritics.blogspot.com/2014/01/pennsylvania-supreme-court-disciplinary.html>.

Additionally, some material contained in this book was previously published in the following articles, of which I am the sole author, and is included herein with permission:

Lost in the Compromise: Free Speech, Criminal Justice, and Attorney Pre-trial Publicity, 66 FLA. L. REV. 1873 (2014).

Freedom of Attorney-Client Association, UTAH L. REV. 1071 (2012).

- A First Amendment Theory for Protecting Attorney Speech*, 45 U.C. DAVIS
L. REV. 27 (2012).
- A Free Speech Right to Impugn Judicial Integrity in Court Proceedings*,
51 B.C. L. REV. 363 (2010).
- The Truth Be Damned: The First Amendment, Attorney Speech, and Judicial
Reputation*, 97 GEO. L. J. 1567 (2009).