

The Importance of Representation

THE IMPORTANCE OF REPRESENTATION

The structure of the American legal system requires that we have lawyers willing to represent any defendant **zealously within the bounds of** the law, no matter what that defendant may have done. Many people accept that idea **in principle**, but still can't **stomach** the thought of representing a killer, a rapist, a child molester.

Our system is governed by complex rules, and litigants have to make many decisions that have long-lasting 1..... A defendant without a lawyer finds himself at a serious 2..... He may not even know where to start to gather evidence. And even someone who is not innocent may have had his rights **violated**—evidence may have been **obtained** 3....., or a 4..... may have been **coerced**.

To make sure that our system is fair and just, we need good defense lawyers to test 5..... and make sure that evidence against a defendant was obtained **lawfully**. We want those lawyers to do the best job possible, because we believe that, through the 6..... of two effective **advocates**, juries will best be able to determine the truth. If a defendant doesn't have a lawyer, it's more likely that the system will 7.....

PROFESSIONAL CONDUCT

What if a lawyer thinks that his client is guilty? Should that make a 8..... in how the lawyer represents him? The answer is a **resounding** no. It's not **up to** the lawyer to decide whether the client is guilty or innocent—that

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determination is left to the jury. Otherwise, the lawyer would be **subsuming** the role of the jury without giving his client the 9..... of a fair trial, which is just the sort of tyranny the **Constitution** forbids. Moreover, the lawyer would also be 10..... his ethical obligations to his client.

So what if you were a defense lawyer, and your client confessed that he did it—he committed the crime of which he was accused? Could you 11..... that information? Under Rule 1.6, probably not. An attorney has an obligation to keep a client's secrets. If the client said, "I murdered the victim," that's a secret, and it doesn't fall among the things in Rule 1.6(b) that a lawyer can **disclose**.

What if the client tells the attorney, "I murdered the victim," then decides to 12..... at his own trial, and on the 13..... says, "I did not murder the victim"? The attorney knows that his client's testimony is false, but also knows that the confession is protected by attorney-client **privilege**. What should the attorney do? If a lawyer's client, or a witness called by a lawyer, testifies falsely, the law 14..... that the lawyer "take reasonable **remedial** measures" to correct the **perjury**—including, if necessary, telling the court about it.

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A. Question: Why, according to the text, is it important that everybody should have legal representation in court? Use the words/phrases in the box to form your answer.

find myself at a serious disadvantage	gather evidence
have my rights violated	obtain evidence lawfully / illegally
coerce a confession	malfunction

Writing:

As a lawyer, are there certain defendants you simply would not represent? Why or why not?

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KEY: 1. consequences 2. disadvantage 3. illegally 4. confession 5. prosecutions 6. clash 7. malfunction 8. difference 9. benefit 10. violating 11. reveal 12. testify 13. stand 14. requires