

1	08:02:00:27	08:02:05:24	WE DON'T ALL START LIFE
2	08:02:05:26	08:02:07:23	ON AN EVEN PLAYING FIELD,
3	08:02:07:25	08:02:10:23	BUT THE RULES ARE THAT
			WE PLAY BY THE RULES
			OF HONESTY AND ETHICS.
4	08:02:10:25	08:02:12:24	BEFORE I TOOK THAT CASE,
5	08:02:12:26	08:02:16:10	I AGREED I WOULD
			DO ANYTHING ETHICAL
6	08:02:16:12	08:02:18:09	TO DEFEND THAT MAN.
7	08:02:18:11	08:02:20:03	I'LL DO MY BEST.
8	08:02:20:05	08:02:22:09	IS IT IMPERFECT?
			YOU BET.
9	08:02:22:11	08:02:24:24	IS IT AWFUL?
			WELL, MAYBE SO.
10	08:02:24:26	08:02:27:24	ISN'T THERE A POINT
			WHERE ONE MAN
11	08:02:27:26	08:02:30:10	HAS TO BE WILLING
			TO SAY,
12	08:02:30:12	08:02:32:03	"I CANNOT DO THIS
13	08:02:32:05	08:02:34:08	BECAUSE IT'S WRONG"?
14	08:02:34:10	08:02:38:08	I THINK WE'RE AT THAT POINT,
			WHICH IS NICE, ETHICALLY,
15	08:02:38:10	08:02:41:02	WHERE WE DON'T HAVE
			THE RULES TO PROTECT US.
16	08:02:41:04	08:02:44:01	WE AGONIZE WITH OURSELVES
			AND OUR CONSCIENCE.
17	08:02:51:10	08:02:55:07	THE TRUTH, THE WHOLE TRUTH,
			AND NOTHING BUT THE TRUTH.
18	08:02:55:09	08:02:58:22	MORE AND MORE,
			WE SEEM TO BRING OUR GRIEVANCES,
19	08:02:58:24	08:03:01:07	LARGE AND SMALL,
			TO THE COURTROOM,
20	08:03:01:09	08:03:03:06	SEEKING SOMETHING
			THAT CORRESPONDS
21	08:03:03:08	08:03:05:06	TO OUR SENSE OF JUSTICE.
22	08:03:05:08	08:03:08:07	THE TRUTH,
			THE ANCIENT OATH TELLS US,
23	08:03:08:09	08:03:11:08	IS THE ESSENTIAL ETHIC
			OF THAT PROCESS.
24	08:03:11:10	08:03:13:22	BUT THE PROFESSIONAL CODES
			FOR LAWYERS
25	08:03:13:24	08:03:17:07	DEMAND ZEALOUS ADVOCACY,
			AND, AS WE SHALL SEE,
26	08:03:17:09	08:03:19:22	SUCH ZEAL
			MAY NOT ALWAYS LEAD
27	08:03:19:24	08:03:22:23	TO A SENSE
			AND A SEARCH FOR TRUTH.
28	08:03:22:25	08:03:25:22	THE JUSTICE THAT LAWYERS
			ARE TRAINED TO SEEK
29	08:03:25:24	08:03:28:23	IS WHATEVER IS RIGHT
			FOR THEIR CLIENTS.
30	08:03:28:25	08:03:31:21	AS A MUCH-QUOTED OPINION
			PUT IT,
31	08:03:31:23	08:03:35:20	"AN ADVOCATE KNOWS
			BUT ONE PERSON IN ALL THE WORLD,
32	08:03:35:22	08:03:38:05	AND THAT PERSON

IS HIS CLIENT."

33 08:03:38:07 08:03:41:19 AT TIMES, THE GAMESMANSHIP
AND STRATEGIES IN A TRIAL

34 08:03:41:21 08:03:46:06 SEEM TO BE AT ODDS
WITH THE ETHICAL CODES WE ACCEPT

35 08:03:46:08 08:03:49:06 IN ALL OTHER ASPECTS
OF OUR LIVES.

36 08:03:49:08 08:03:52:05 DOES THE ADVERSARY SYSTEM
ALLOW, EVEN DEMAND,

37 08:03:52:07 08:03:56:20 THAT LAWYERS ACT IN A WAY
THAT FOR THE REST OF US

38 08:03:56:22 08:03:59:06 WOULD BE CONSIDERED AMORAL
OR IMMORAL?

39 08:03:59:08 08:04:03:06 IN OUR HYPOTHETICAL CASE STUDY,
OUR MODERATOR IS CHARLES NESSON.

40 08:04:03:08 08:04:04:21 MR. ABRAMS,

41 08:04:04:23 08:04:06:15 LET ME
INTRODUCE MYSELF.

42 08:04:06:17 08:04:08:05 I'M HIRAM POWERS.

43 08:04:08:07 08:04:12:04 I'M THE CHIEF EXECUTIVE
OF HOT PRODUCTS.

44 08:04:12:06 08:04:13:23 WE MAKE SPACE HEATERS.

45 08:04:13:25 08:04:16:21 PARTICULARLY,
WE MAKE THE HOT BOY,

46 08:04:16:23 08:04:20:06 A KIND OF LOW-END,
CHEAPER SPACE HEATER,

47 08:04:20:08 08:04:21:20 VERY WIDE DISTRIBUTION.

48 08:04:21:22 08:04:24:19 YOU AND I
ARE HAVING LUNCH,

49 08:04:24:21 08:04:28:05 AND YOU ARE THE COUNSEL
FOR THIS COMPANY.

50 08:04:28:07 08:04:31:04 CAN I TALK TO YOU
IN CONFIDENCE?

51 08:04:31:06 08:04:32:10 SURE.

52 08:04:32:12 08:04:34:04 I HAVE A QUESTION.

53 08:04:34:06 08:04:37:13 I'VE GOTTEN A MEMO
FROM NELLIE BARNES,

54 08:04:37:15 08:04:39:12 WHO IS
A SAFETY ENGINEER

55 08:04:39:14 08:04:41:04 WHO'S BEEN WITH ME

56 08:04:41:06 08:04:44:12 EVER SINCE I GOT STARTED
IN THIS BUSINESS.

57 08:04:44:14 08:04:48:18 I CALL HER
NERVOUS NELLIE,
TO TELL YOU THE TRUTH.

58 08:04:48:20 08:04:51:04 SHE'S WORRIED ABOUT
THE HOT BOY.

59 08:04:51:06 08:04:53:15 THERE HAVE BEEN
A FEW FIRES,

60 08:04:53:17 08:04:56:18 BUT THERE'S ALWAYS FIRES
WITH SPACE HEATERS.

61 08:04:56:20 08:04:59:03 SHE'S WORRIED THAT
UNDER SOME CIRCUMSTANCES

62 08:04:59:05 08:05:01:18 THE HEATER TIPS OVER

63 08:05:01:20 08:05:04:06 AND THE SHUTOFF
DOESN'T WORK

64	08:05:04:08	08:05:07:04	AND COULD BE RESPONSIBLE
			FOR A FIRE.
65	08:05:07:06	08:05:10:04	I'VE LOOKED AT IT
			AND CONSIDERED IT
66	08:05:10:06	08:05:12:19	AND FIGURED WHAT
			IT WOULD COST
67	08:05:12:21	08:05:17:02	TO CHANGE THE PRODUCT
			AND PUT AN EMERGENCY
			SHUTOFF ON IT.
68	08:05:17:04	08:05:20:02	THE FACT IS,
			IT WOULD PRICE OUR PRODUCT
69	08:05:20:04	08:05:24:19	RIGHT OUT OF THE RANGE
			THAT WE'RE IN RIGHT NOW,
70	08:05:24:21	08:05:26:19	COMPLETELY CHANGE
			OUR MARKET STRUCTURE.
71	08:05:26:21	08:05:29:19	I'VE DECIDED THAT IT
			JUST ISN'T CLEAR ENOUGH
72	08:05:29:21	08:05:33:02	THAT WE'VE GOT A PROBLEM
			TO SHIFT THE PRODUCT.
73	08:05:33:04	08:05:35:01	THAT'S MY DECISION.
74	08:05:35:03	08:05:38:16	I WANTED TO SEE IF
			THERE ARE ANY PROBLEMS.
75	08:05:38:18	08:05:40:08	WELL,
			THERE COULD BE.
76	08:05:40:10	08:05:44:24	I THINK YOU
			REALLY OUGHT TO
			CHECK UP ON IT
77	08:05:44:26	08:05:46:17	BECAUSE IF ANYTHING
			DOES HAPPEN,
78	08:05:46:19	08:05:48:17	IF ANYBODY DOES GET HURT,
79	08:05:48:19	08:05:51:16	FIRST OF ALL, THE COMPANY
			WILL BE LIABLE.
80	08:05:51:18	08:05:53:16	THE LIABILITY COULD
			BE AUGMENTED
81	08:05:53:18	08:05:58:00	BY THE FACT THAT YOU'RE
			NOW ON SOME SORT OF NOTICE
82	08:05:58:02	08:06:01:14	FROM NELLIE BARNES
			ABOUT THE PROBLEM.
83	08:06:01:16	08:06:05:02	NELLIE HAS BEEN WITH ME
			FOR A LONG TIME.
84	08:06:05:04	08:06:07:08	SHE KNEW THIS WAS DELICATE,
85	08:06:07:10	08:06:10:07	SO SHE BROUGHT THIS
			IN TO ME
86	08:06:10:09	08:06:11:24	BY HAND--EYES ONLY.
87	08:06:11:26	08:06:14:01	THIS WAS THE ONLY COPY.
88	08:06:14:03	08:06:17:01	I DON'T THINK
			WE'VE GOT A PROBLEM.
89	08:06:17:03	08:06:20:02	I WOULDN'T
			COUNT TOO MUCH
			ON THAT.
90	08:06:20:04	08:06:22:02	XEROX MACHINES
			ARE AROUND.
91	08:06:22:04	08:06:25:01	IF ANYTHING
			HAPPENED, SHE'D
			HAVE TO TESTIFY,
92	08:06:25:03	08:06:27:01	YOU'D HAVE

TO TESTIFY.

93 08:06:27:03 08:06:30:19 MR. NEAL, YOU GOT ANY PROBLEM
WITH MY DECISION?

94 08:06:30:21 08:06:32:28 YOU MAY GET
SOME ZEALOUS PROSECUTOR

95 08:06:33:00 08:06:36:00 WHO WANTS TO PROSECUTE
YOU CRIMINALLY, TOO,

96 08:06:36:02 08:06:38:15 FOR SOME SORT OF
RECKLESS CONDUCT.

97 08:06:38:17 08:06:41:15 IT'S A VERY DANGEROUS THING
TO GO AHEAD.

98 08:06:41:17 08:06:44:29 I WOULD RECOMMEND
THAT YOU STOP RIGHT NOW

99 08:06:45:01 08:06:48:13 AND DETERMINE WHETHER
THIS SPACE HEATER IS DANGEROUS

100 08:06:48:15 08:06:52:00 TO THE USERS OR NOT,

101 08:06:52:02 08:06:54:15 AND NOT GO AHEAD.

102 08:06:54:17 08:06:59:02 I WOULD EVEN PERHAPS
CONSIDER A RECALL.

103 08:06:59:04 08:07:01:05 LET ME
CLUE YOU IN.

104 08:07:01:07 08:07:04:04 HAVE I LOST MY JOB
AS GENERAL COUNSEL?

105 08:07:04:06 08:07:07:04 DO YOU, AS MY COUNSEL,

106 08:07:07:06 08:07:09:10 THINK IT'S YOUR PLACE
TO SAY I'M WRONG?

107 08:07:09:12 08:07:13:00 IT'S MY PLACE TO TELL YOU
THAT'S BAD JUDGMENT.

108 08:07:13:02 08:07:15:14 YOU'VE PUT ME
ON THE SPOT

109 08:07:15:16 08:07:17:05 BECAUSE I DON'T KNOW

110 08:07:17:07 08:07:19:26 WHAT MY ETHICAL
RESPONSIBILITIES ARE NOW.

111 08:07:19:28 08:07:21:28 I THINK
MY PRIMARY RESPONSIBILITY

112 08:07:22:00 08:07:23:28 IS THE BOARD OF DIRECTORS.

113 08:07:24:00 08:07:27:00 I THINK ABOUT THE DANGER
OF THE COMPANY

114 08:07:27:02 08:07:30:15 IN THE CONTINUATION
OF THE MARKETING OF THIS HEATER.

115 08:07:30:17 08:07:34:27 I THINK I'VE GOT TO GO
TO THE BOARD OF DIRECTORS

116 08:07:34:29 08:07:37:27 AND TELL THEM
EXACTLY WHERE WE ARE.

117 08:07:37:29 08:07:41:05 IT'S INCREDIBLE
THAT MR. NEAL'S
WORRIED SO SOON.

118 08:07:41:07 08:07:42:26 WE'VE GOT ONE MEMO--

119 08:07:42:28 08:07:44:28 I WANT MY JOB.

120 08:07:45:00 08:07:47:27 YOU DON'T THINK
HE'S GOING TO LAST LONG.

121 08:07:47:29 08:07:51:20 MS. BIRNBAUM, I'VE ALWAYS
MADE MY TOUGHEST DECISIONS

122 08:07:51:22 08:07:53:11 JUST BY MYSELF.

123 08:07:53:13 08:07:54:27 I SIT DOWN--

124 08:07:54:29 08:07:57:27 I USED TO

125	08:07:57:29	08:08:00:28	WRITE IT LONGHAND, PROS ON ONE SIDE,
126	08:08:01:00	08:08:04:13	CONS ON THE OTHER. I'VE GOT)-THIS NEW COMPUTER I DO IT ON.)Y
127	08:08:04:15	08:08:06:28	I SHOW YOU A MEMORANDUM I'VE WRITTEN--
128	08:08:07:00	08:08:09:12	MY NOTES, JUST ME TO ME.
129	08:08:09:14	08:08:12:10	THERE IT'S ALL LAID OUT,
130	08:08:12:12	08:08:16:16	NELLIE'S DESCRIPTION OF THE DIFFICULTIES.
131	08:08:16:18	08:08:23:12	MY ESTIMATE OF HOW MANY FIRES THIS MIGHT CAUSE--
132	08:08:23:14	08:08:24:27	MAYBE 40 FIRES A YEAR,
133	08:08:24:29	08:08:27:23	IF WHAT SHE SAYS IS TRUE.
134	08:08:27:25	08:08:30:24	SOME PEOPLE MIGHT GET KILLED, MAYBE SIX.
135	08:08:32:13	08:08:35:10	AN ESTIMATE OF HOW MUCH IT WOULD COST
136	08:08:35:12	08:08:37:18	TO SETTLE THOSE LAWSUITS--
137	08:08:37:20	08:08:42:01	MAYBE \$200,000 APIECE.
138	08:08:42:03	08:08:44:25	A JUDGMENT ABOUT HOW MUCH IT WOULD COST
139	08:08:44:27	08:08:47:25	TO REPOSITION OR RECALL THE PRODUCT--
140	08:08:47:27	08:08:49:24	OUT OF SIGHT.
141	08:08:51:17	08:08:53:11	AND MY CONCLUSION--
142	08:08:53:13	08:08:56:00	BETTER TO STUDY THIS PROBLEM FURTHER,
143	08:08:56:02	08:08:57:26	KEEP PRODUCING.
144	08:08:57:28	08:09:01:25	"AFTER ALL," I SAY AT THE BOTTOM OF THE MEMO,
145	08:09:01:27	08:09:04:25	"THE KIND OF PEOPLE THAT USE HOT BOYS,
146	08:09:04:27	08:09:07:24	"THEY'RE NOT REALLY INTO LAWSUITS THAT MUCH.
147	08:09:07:26	08:09:09:15	"THEY'RE MUCH MORE INTERESTED
148	08:09:09:17	08:09:11:07	IN TACOS AND WATERMELONS."
149	08:09:11:09	08:09:13:26	YOU'VE GOT A SMOKING-GUN DOCUMENT.
150	08:09:13:28	08:09:16:25	THAT'S THE KIND OF DOCUMENT

151 08:09:16:27 08:09:20:09 THAT IF IN A CIVIL LITIGATION
IS DISCOVERED,
152 08:09:20:11 08:09:23:24 AS MR. NEAL KNOWS,
THE KIND OF DOCUMENT
153 08:09:23:26 08:09:26:25 THAT LEADS TO PUNITIVE DAMAGES
IN CIVIL LAWSUITS,
154 08:09:26:27 08:09:28:26 AS WELL AS
COMPENSATORY DAMAGES
155 08:09:28:28 08:09:31:23 IF YOU DON'T DO
THE RIGHT THINGS
156 08:09:31:25 08:09:33:19 FROM THAT POINT FORWARD.
157 08:09:33:21 08:09:36:08 THIS IS ONLY
MY OWN THING.
158 08:09:36:10 08:09:40:07 I GUESS I SHOULD
JUST GET RID OF IT.
159 08:09:40:09 08:09:42:08 I'M NOT SO SURE.
160 08:09:42:10 08:09:44:24 YOU SHOULDN'T
REALLY BE DESTROYING IT,
161 08:09:44:26 08:09:47:09 ALTHOUGH THE WHOLE
QUESTION OF PCs
162 08:09:47:11 08:09:50:09 AND WRITTEN DOCUMENTS
AND WHAT'S ON COMPUTERS
163 08:09:50:11 08:09:53:08 BECOMES A VERY DIFFICULT
KIND OF--
164 08:09:53:10 08:09:55:29 THESE ARE JUST
MY NOTES TO MYSELF.
165 08:09:56:01 08:09:58:23 WHAT HAPPENS
IF I ERASE IT?
166 08:09:58:25 08:10:01:24 WELL, DOCUMENTS THAT
GET DESTROYED OR LOST
167 08:10:01:26 08:10:04:09 ARE DOCUMENTS
THAT ARE EVEN WORSE
168 08:10:04:11 08:10:07:09 THAN DOCUMENTS
THAT ARE FOUND, VERY OFTEN,
169 08:10:07:11 08:10:09:22 BECAUSE THE INFERENCES
THAT JURIES MAKE,
170 08:10:09:24 08:10:11:23 AND PROBABLY ACCURATELY,
171 08:10:11:25 08:10:14:27 ARE THAT IF THE DOCUMENT
HAS BEEN DESTROYED,
172 08:10:14:29 08:10:16:24 IT SAYS TERRIBLE THINGS,
173 08:10:16:26 08:10:19:24 EVEN MUCH WORSE THINGS
THAN YOU HAVE.
174 08:10:19:26 08:10:23:07 MR. ABRAMS,
I WANT YOUR COUNSEL.
175 08:10:23:09 08:10:25:25 HOW ABOUT
THIS OTHER DOCUMENT?
176 08:10:25:27 08:10:29:08 NOTES ARE, I THINK,
A DIFFERENT THING.
177 08:10:29:10 08:10:33:04 I MEAN, IF THEY CAN
FAIRLY BE VIEWED
178 08:10:33:06 08:10:35:06 AS YOUR NOTES
TO YOURSELF--
179 08:10:35:08 08:10:37:07 UNLESS YOU HAVE
A PRACTICE
180 08:10:37:09 08:10:40:06 OF ALWAYS KEEPING
ALL YOUR NOTES,

181 08:10:40:08 08:10:43:07 AND PARTICULARLY
IF YOU'RE TALKING ABOUT PC
182 08:10:43:09 08:10:46:06 AND IF YOU DO
OVERRIDE THINGS
183 08:10:46:08 08:10:48:06 THAT YOU'VE
WRITTEN TO YOURSELF
184 08:10:48:08 08:10:50:06 AS A GENERAL MATTER--
185 08:10:50:08 08:10:53:22 THERE I THINK THAT
IT'S A CLOSER CALL.
186 08:10:53:24 08:10:55:07 FIRST I'D ADVISE YOU,
187 08:10:55:09 08:10:58:07 AND I HOPE
I WOULD HAVE EARLIER,
188 08:10:58:09 08:11:00:27 NOT TO DO MEMOS
LIKE THAT, PLEASE,
189 08:11:00:29 08:11:03:20 NOT TO WRITE
THINGS LIKE THAT,
190 08:11:03:22 08:11:07:06 AND IF YOU HAVE THAT TENDENCY,
GO OVER THEM.
191 08:11:07:08 08:11:10:09 WRITE YOUR NEXT THOUGHTS,
AND GO OVER THEM.
192 08:11:10:11 08:11:13:07 MR. GILLERS, IS THERE
ANYTHING ILLEGAL
193 08:11:13:09 08:11:16:21 IF I JUST GO BEEP
AND THE MEMO IS GONE?
194 08:11:16:23 08:11:18:20 HAVE I DONE
ANYTHING ILLEGAL?
195 08:11:18:22 08:11:21:06 NOT IN
ANY JURISDICTION I KNOW.
196 08:11:21:08 08:11:23:00 NOT IN ANY
JURISDICTION?
197 08:11:23:02 08:11:26:20 IF IT'S NOT ILLEGAL
AND IT'S TACTICALLY WISE
198 08:11:26:22 08:11:27:22 TO DESTROY IT
199 08:11:27:24 08:11:29:07 AND THEN DEAL
WITH THAT FACT,
200 08:11:29:09 08:11:32:21 PERHAPS PURSUANT TO AN OFFICIAL
MEMO-DESTRUCTION POLICY,
201 08:11:32:23 08:11:35:04 THEN THEY'LL DEAL
WITH THAT TACTICALLY.
202 08:11:35:06 08:11:37:21 IT'S NOT THEIR JOB
TO HELP
203 08:11:37:23 08:11:40:07 YOUR FUTURE ADVERSARY
DOWN THE LINE.
204 08:11:40:09 08:11:44:07 WHAT IF HE PUSHES
THE BUTTON AND
IT PRINTS OUT
205 08:11:44:09 08:11:46:29 AND HE THEN DESTROYS
THE PRINTED COPY?
206 08:11:47:01 08:11:51:18 HE CAN HAVE A RITUAL
OF DESTRUCTION OVER THAT MEMO.
207 08:11:51:20 08:11:53:05 SELECTIVELY.
208 08:11:53:07 08:11:55:05 SELECTIVE DESTRUCTION.
209 08:11:55:07 08:11:58:25 RIGHT AT LUNCH,
WE TAKE IT AND GO RIP.
210 08:11:58:27 08:12:02:00 NO ONE SAYS HE CAN'T.
IT'S PURELY TACTICAL.

211	08:12:02:02	08:12:06:06	FLOYD, SHEILA, AND JIM
			ARE WITHIN THEIR RIGHTS TO SAY,
212	08:12:06:08	08:12:08:06	"GET RID OF IT.
213	08:12:08:08	08:12:11:18	"WE'LL DEAL WITH IT
			IF THEY DISCOVER IT EXISTED.
214	08:12:11:20	08:12:15:07	"YOU ARE LEGALLY PERMITTED
			TO GET RID OF IT.
215	08:12:15:09	08:12:18:07	"WE ARE ETHICALLY PERMITTED
			TO ALLOW THAT.
216	08:12:18:09	08:12:21:06	"THEY'LL NEVER THINK
			TO ASK THE QUESTION
217	08:12:21:08	08:12:23:07	ABOUT TACOS AND WATERMELON."
218	08:12:23:09	08:12:25:17	THAT'S WRONG.
219	08:12:25:19	08:12:28:03	THAT IS ABSOLUTELY WRONG.
220	08:12:28:05	08:12:30:20	JUDGE SCALIA,
			WHAT DO YOU SAY?
221	08:12:30:22	08:12:34:03	I THINK THAT STATEMENT
			OF THE LAW IS CORRECT.
222	08:12:34:05	08:12:37:20	YOU MEAN THAT INCREDIBLE
			WRONG STATEMENT?
223	08:12:37:22	08:12:39:20	SEEMS SO.
224	08:12:39:22	08:12:42:24	MR. GILLERS,
			EDUCATE ME FURTHER
			ON THE LEGALITIES.
225	08:12:42:26	08:12:44:25	DOES IT EVER
			BECOME ILLEGAL
226	08:12:44:27	08:12:47:09	FOR ME TO DESTROY
			A DOCUMENT?
227	08:12:47:11	08:12:49:23	SURE, BUT NOT
			UNTIL MUCH LATER--
228	08:12:49:25	08:12:51:20	WHEN
			IT'S SUBPOENAED,
229	08:12:51:22	08:12:53:19	WHEN IT'S NOTICED
			IN DISCOVERY,
230	08:12:53:21	08:12:56:27	PERHAPS ONCE
			AN ACTION HAS BEGUN,
231	08:12:56:29	08:13:00:23	PERHAPS THE DAY
			BEFORE AN ACTION
			IS ABOUT TO BEGIN.
232	08:13:00:25	08:13:04:18	WHEN SOMEBODY ASKS FOR IT
			WITH A LEGAL REQUEST,
233	08:13:04:20	08:13:07:21	THEN I CAN'T
			MESS AROUND WITH IT.
234	08:13:07:23	08:13:09:20	VIRTUALLY ANYWHERE
			YOU CAN'T.
235	08:13:09:22	08:13:14:25	BEFORE THAT, YOU CAN CREATE THEM
			AND DESTROY THEM AS YOU WILL.
236	08:13:14:27	08:13:16:19	IF THERE'S
			A SUIT PENDING,
237	08:13:16:21	08:13:19:03	EVEN THOUGH NOTHING
			HAS BEEN SUBPOENAED,
238	08:13:19:05	08:13:21:00	I THINK IT'S QUESTIONABLE.
239	08:13:21:02	08:13:22:21	JUSTICE SCALIA
			IS RIGHT.
240	08:13:22:23	08:13:24:14	AT THIS POINT--
241	08:13:24:16	08:13:26:01	VERY WISE, VERY WISE.

242	08:13:26:03	08:13:27:22	[LAUGHTER]
243	08:13:27:24	08:13:31:02	I JUST WANTED TO RETURN THE FAVOR.
244	08:13:33:04	08:13:36:01	CAN YOU FIND FOUR OTHERS LIKE HIM?
245	08:13:40:11	08:13:42:18	THE QUESTION, JUDGE, IS,
246	08:13:42:20	08:13:46:07	CAN HE FIND FOUR OTHERS LIKE YOU?
247	08:13:48:05	08:13:50:02	HERE'S WHAT HAPPENS.
248	08:13:50:04	08:13:52:26	A FEW MONTHS AFTER THIS CONVERSATION--
249	08:13:52:28	08:13:57:01	MR. CHESLEY, LET ME TAKE YOU BACK A FEW YEARS...
250	08:13:57:03	08:13:59:01	RIGHT OUT OF LAW SCHOOL.
251	08:13:59:03	08:14:01:04	YOU'RE SITTING IN YOUR OFFICE
252	08:14:01:06	08:14:03:03	AND YOU HEAR SIRENS.
253	08:14:03:05	08:14:06:02	YOU LOOK OUT THE WINDOW, FIRE ENGINES.
254	08:14:06:04	08:14:08:17	YOU FOLLOW THEM AND YOU SEE
255	08:14:08:19	08:14:11:17	THAT THERE'S A FIRE IN AN APARTMENT,
256	08:14:11:19	08:14:13:02	A TENEMENT HOUSE.
257	08:14:13:04	08:14:14:20	ARE YOU INTERESTED?
258	08:14:14:22	08:14:17:02	WOULD YOU GO TO THE FIRE?
259	08:14:17:04	08:14:19:18	NO. NEVER DID IT SINCE 1960
260	08:14:19:20	08:14:21:01	AND WOULDN'T TODAY.
261	08:14:21:03	08:14:23:02	MAYBE YOU'RE NOT MY MAN.
262	08:14:23:04	08:14:25:22	MR. COTCHETT, WOULD YOU GO?
263	08:14:25:24	08:14:27:13	I WOULDN'T GO.
264	08:14:27:15	08:14:29:05	PERHAPS OUT OF INTEREST?
265	08:14:29:07	08:14:30:18	I MIGHT.
266	08:14:30:20	08:14:32:14	GET TO THE BOTTOM LINE.
267	08:14:32:16	08:14:35:15	WOULD I CHASE A CLIENT DOWN THE STREET?
268	08:14:35:17	08:14:37:20	I LIKE TO GET THERE SLOWLY.
269	08:14:40:25	08:14:42:29	YOU GO TO THE FIRE
270	08:14:43:01	08:14:46:00	AND YOU SEE A FELLOW CLEARLY DISTRAUGHT
271	08:14:46:02	08:14:48:19	OVER BY AN AMBULANCE.
272	08:14:48:21	08:14:52:01	IT TURNS OUT THIS MAN LIVED IN AN APARTMENT
273	08:14:52:03	08:14:53:26	WITH HIS YOUNG DAUGHTER.
274	08:14:53:28	08:14:56:16	THE DAUGHTER HAS BEEN KILLED, APPARENTLY--
275	08:14:56:18	08:14:58:15	GOING OFF IN THE AMBULANCE.

276 08:14:58:17 08:15:00:14 THE FATHER
 IS GRIEVING THERE.
 277 08:15:00:16 08:15:03:15 IN FACT,
 YOU OVERHEAR
 ONE OF THE FIREMEN
 278 08:15:03:17 08:15:05:29 SAY SOMETHING ABOUT
 A SPACE HEATER.
 279 08:15:06:01 08:15:09:16 WOULD YOU CONSIDER
 GOING UP AND TALKING
 TO THE FATHER?
 280 08:15:09:18 08:15:11:19 NOT EVEN
 A QUESTION.
 281 08:15:11:21 08:15:13:15 WHY NOT?
 282 08:15:13:17 08:15:15:15 I'D SAY TO HIM
 SPECIFICALLY--
 283 08:15:15:17 08:15:16:23 OH, YOU *WOULD*.
 284 08:15:16:25 08:15:18:15 ABSOLUTELY.
 285 08:15:18:17 08:15:20:14 I'M ON THE SCENE.
 286 08:15:20:16 08:15:24:00 I HEAR A FIREMAN TALKING
 ABOUT A SPACE HEATER
 287 08:15:24:02 08:15:26:01 THAT CAUSED THAT FIRE.
 288 08:15:26:03 08:15:29:00 I'D TELL THE FATHER
 TO INVESTIGATE THE CAUSE
 289 08:15:29:02 08:15:32:14 AND TO GET SOMEONE COMPETENT
 WHO UNDERSTANDS THE PROBLEM.
 290 08:15:32:16 08:15:34:23 ABSOLUTELY,
 WITHOUT A QUESTION.
 291 08:15:34:25 08:15:36:29 WOULD YOU
 GIVE YOUR CARD?
 292 08:15:37:01 08:15:39:13 THAT'S, YOU KNOW...
 293 08:15:39:15 08:15:41:29 I DON'T THINK SO, NO.
 294 08:15:42:01 08:15:43:14 YES, YOU WOULD.
 295 08:15:43:16 08:15:45:00 NO, I WOULDN'T.
 296 08:15:45:02 08:15:47:07 I MIGHT TELL
 HIM MY NAME.
 297 08:15:47:09 08:15:50:28 I DON'T KNOW
 THAT I'D GIVE HIM A CARD.
 298 08:15:51:00 08:15:54:04 I'D TELL THE NAMES
 OF OTHER LAWYERS
 299 08:15:54:06 08:15:56:23 IN MY FIRM
 THAT HANDLE THESE.
 300 08:15:56:25 08:15:58:29 NO, I WOULDN'T DO THAT.
 301 08:15:59:01 08:16:01:13 BUT I'D CERTAINLY
 MAKE HIM AWARE.
 302 08:16:01:15 08:16:04:14 I THINK--YOU KNOW,
 THIS WHOLE FALLACY
 303 08:16:04:16 08:16:05:28 OF RUNNING AFTER CASES...
 304 08:16:06:00 08:16:08:13 I AGREE, WHOLESALE SHOPPING
 IS WRONG,
 305 08:16:08:15 08:16:11:26 BUT THE FACT SITUATION
 THAT YOU PRESENT, YES, SIR.
 306 08:16:11:28 08:16:15:10 WHO WILL PAY
 FOR YOU TO REPRESENT
 THAT FATHER?
 307 08:16:15:12 08:16:18:14 I'LL HANDLE IT
 ON A CONTINGENT FEE ARRANGEMENT.

308 08:16:18:16 08:16:21:13 WHAT DOES THAT MEAN
 TO THE FATHER?
 309 08:16:21:15 08:16:24:13 IT OPENS THE DOORS
 TO THE COURTHOUSE
 310 08:16:24:15 08:16:27:13 IF SOMEONE OTHERWISE
 COULDN'T AFFORD A LAWYER.
 311 08:16:27:15 08:16:29:14 THEY COULDN'T PAY
 HOURLY WAGES,
 312 08:16:29:16 08:16:32:10 SO I'LL TAKE IT
 ON A CONTINGENCY.
 313 08:16:32:12 08:16:35:13 YOU JUSTIFY THAT
 AS A KIND
 OF PUBLIC SERVICE.
 314 08:16:35:15 08:16:39:11 NOT ONLY DO I JUSTIFY IT,
 I'M PROUD OF IT.
 315 08:16:39:13 08:16:41:26 THESE PLAINTIFF LAWYERS
 BRING THEIR LAWSUIT,
 316 08:16:41:28 08:16:44:11 AND WE'RE LOOKING
 AT DISCOVERY NOW.
 317 08:16:44:13 08:16:46:10 I'M GOING
 TO BE DEPOSED.
 318 08:16:46:12 08:16:49:09 MS. BIRNBAUM,
 DEPOSITION'S COMING UP
 VERY SHORTLY.
 319 08:16:49:11 08:16:51:09 YOU GOT ANY ADVICE
 320 08:16:51:11 08:16:54:28 AS TO HOW I SHOULD PREPARE
 FOR THIS DEPOSITION?
 321 08:16:55:00 08:16:57:26 I WOULD TELL YOU
 TO TELL THE TRUTH,
 322 08:16:57:28 08:17:00:10 DON'T VOLUNTEER
 AND EXPAND ON ANSWERS,
 323 08:17:00:12 08:17:02:24 BUT ANSWER THE QUESTION
 DIRECTLY
 324 08:17:02:26 08:17:05:10 THAT'S BEING GIVEN TO YOU,
 325 08:17:05:12 08:17:07:26 AND ONLY ANSWER
 326 08:17:07:28 08:17:11:10 IF YOU'RE SURE THAT
 YOU KNOW THE ANSWER.
 327 08:17:11:12 08:17:13:11 YOU SHOULDN'T
 GUESS AT THINGS.
 328 08:17:13:13 08:17:15:11 IF YOU DON'T KNOW
 SOMETHING,
 329 08:17:15:13 08:17:18:24 YOU CAN TELL SOMEBODY
 YOU DON'T REMEMBER.
 330 08:17:18:26 08:17:20:28 YOU WOULDN'T
 HAVE ME LIE.
 331 08:17:21:00 08:17:23:17 ABSOLUTELY NOT.
 332 08:17:23:19 08:17:27:26 MR. NEAL, HOW ABOUT
 "I DON'T REMEMBER"?
 333 08:17:27:28 08:17:31:24 IF YOU DO REMEMBER,
 THAT'S A LIE.
 334 08:17:31:26 08:17:34:06 I THINK YOU
 WOULD REMEMBER.
 335 08:17:34:08 08:17:35:24 WAIT ONE SECOND.
 336 08:17:35:26 08:17:38:08 I'M TELLING YOU
 I DON'T REMEMBER.
 337 08:17:38:10 08:17:39:26 SURE.

338	08:17:39:28	08:17:42:08	ARE YOU GOING TO REMIND ME?
339	08:17:42:10	08:17:45:09	ARE YOU GOING TO SAY,
340	08:17:45:11	08:17:46:24	"COME ON, "YOU REMEMBER PERFECTLY WELL.
341	08:17:46:26	08:17:50:24	I'LL REMIND YOU WHAT THAT DOCUMENT SAID."
342	08:17:50:26	08:17:54:08	YOU'RE INTO THIS, AND I THINK AT SOME POINT
343	08:17:54:10	08:17:58:07	I WOULD HAVE TO MAKE A JUDGMENT
344	08:17:58:09	08:18:01:24	WHETHER YOU REMEMBER AND ARE GOING TO PERJURE YOURSELF
345	08:18:01:26	08:18:03:24	OR YOU TRULY DON'T REMEMBER.
346	08:18:03:26	08:18:05:24	"I DON'T REMEMBER" IS LIKE
347	08:18:05:26	08:18:08:16	"I FORGOT BETWEEN JANUARY AND FEBRUARY."
348	08:18:08:18	08:18:12:04	I PROBABLY WOULD HAVE TO SAY,
349	08:18:12:06	08:18:14:08	"YOU MUST NOT PERJURE YOURSELF.
350	08:18:14:10	08:18:17:09	IF YOU'RE STILL GOING TO PERJURE YOURSELF--"
351	08:18:17:11	08:18:21:08	AND I'VE MADE THAT JUDGMENT-- I WOULD HAVE TO WITHDRAW.
352	08:18:21:10	08:18:25:28	THIS IS MY SECOND POSITION I'VE LOST IN THIS FORUM,
353	08:18:26:00	08:18:28:27	BUT I'D HAVE TO DO IT.
354	08:18:28:29	08:18:31:06	IF I'M AN HONEST, ETHICAL COUNSEL,
355	08:18:31:08	08:18:32:20	I'D HAVE TO WITHDRAW.
356	08:18:32:22	08:18:34:21	THE MORE DIFFICULT QUESTION IS,
357	08:18:34:23	08:18:37:22	WHAT IF I THEN LEARN, AFTER I'VE WITHDRAWN,
358	08:18:37:24	08:18:39:17	THAT YOU DID PERJURE YOURSELF?
359	08:18:39:19	08:18:43:00	WHAT DO I DO THEN ABOUT AMELIORATING,
360	08:18:43:02	08:18:47:06	EVEN ELIMINATING, THAT FRAUD ON THE COURT?
361	08:18:47:08	08:18:49:06	I'M LOOKING FOR A LAWYER
362	08:18:49:08	08:18:50:21	WHO WILL HELP ME.
363	08:18:50:23	08:18:53:02	MR. ABRAMS, WILL YOU HELP ME?
364	08:18:53:04	08:18:55:07	I'M GOING TO A DEPOSITION.
365	08:18:55:09	08:18:59:06	I DON'T WANT TO SPILL MY GUTS TO HIM.
366	08:18:59:08	08:19:00:21	YOU DON'T HAVE TO.
367	08:19:00:23	08:19:03:26	YOU HAVE TO TELL

368 08:19:03:28 THE TRUTH, THOUGH.
 08:19:05:26 AND ANSWER
 369 08:19:05:28 THE QUESTIONS.
 08:19:07:07 YES.
 370 08:19:07:09 08:19:09:05 AS NARROWLY
 AS POSSIBLE, RIGHT?
 371 08:19:09:07 08:19:10:29 WITHIN REASON,
 372 08:19:11:01 08:19:13:06 BUT GENERALLY
 NARROWLY, YES.
 373 08:19:13:08 08:19:15:21 BUT SUPPOSE THEY ASK ME,
 374 08:19:15:23 08:19:18:21 "MR. POWERS, WERE THERE
 ANY MEMOS WRITTEN
 375 08:19:18:23 08:19:21:05 IN RESPONSE TO
 THE NELLIE MEMORANDUM?"
 376 08:19:21:07 08:19:23:22 I DON'T WANT
 TO TELL HIM.
 377 08:19:23:24 08:19:26:22 CAN YOU DO ANYTHING
 TO HELP ME OUT,
 378 08:19:26:24 08:19:30:08 OR DO I HAVE TO SAY,
 "HERE IT IS"?
 379 08:19:30:10 08:19:32:08 IF YOU WROTE A MEMO,
 380 08:19:32:10 08:19:35:10 THE ANSWER IS,
 "YES, I WROTE A MEMO."
 381 08:19:35:12 08:19:38:19 I DON'T REALLY CONSIDER IT
 A MEMORANDUM.
 382 08:19:38:21 08:19:40:19 I CONSIDER IT
 PERSONAL NOTES.
 383 08:19:40:21 08:19:42:29 OH, *THAT* DOCUMENT.
 384 08:19:45:14 08:19:48:14 I THINK THERE
 IT REALLY DOES DEPEND
 385 08:19:48:16 08:19:51:17 HOW THE QUESTION CAN BE
 FAIRLY UNDERSTOOD.
 386 08:19:51:19 08:19:53:19 COULD I FAIRLY
 UNDERSTAND IT
 387 08:19:53:21 08:19:57:04 AS ASKING FOR MEMORANDA,
 NOT FOR PERSONAL NOTES?
 388 08:19:57:06 08:19:58:27 MS. BIRNBAUM?
 389 08:19:58:29 08:20:00:18 THAT'S A FINE CUT.
 390 08:20:00:20 08:20:03:20 IF YOU LITERALLY
 TOOK THE WORD MEMO
 391 08:20:03:22 08:20:05:25 TO MEAN SOMETHING
 BESIDES NOTE,
 392 08:20:05:27 08:20:08:25 YOU CAN SAY,
 "I DIDN'T WRITE
 A MEMO."
 393 08:20:08:27 08:20:10:27 THAT'S THE LAWYER'S
 THINKING.
 394 08:20:10:29 08:20:13:12 I DON'T HAVE TO SAY,
 395 08:20:13:14 08:20:16:01 "I DIDN'T WRITE
 ANY MEMOS,
 396 08:20:16:03 08:20:18:20 BUT I DID WRITE
 SOME NOTES."
 397 08:20:18:22 08:20:21:07 I DON'T HAVE TO COME
 INTO THE DEPOSITION
 398 08:20:21:09 08:20:23:05 AND SAY TO STAN CHESLEY,
 399 08:20:23:07 08:20:25:19 "I HAVE SOMETHING

400 08:20:25:21 I'M HIDING," EITHER.
 08:20:27:19 "THIS IS WHAT
 401 08:20:27:21 REALLY HAPPENED."
 08:20:30:19 HIS JOB IS
 402 08:20:30:21 TO ASK QUESTIONS.
 08:20:32:16 I'VE GOT A FAIR
 INTERPRETATION
 403 08:20:32:18 08:20:35:02 IT'S PERSONAL NOTES,
 NOT A MEMORANDA.
 404 08:20:35:04 08:20:37:03 CAN I ANSWER
 THE QUESTION,
 405 08:20:37:05 08:20:39:03 "HEY,
 NO MEMORANDA."
 406 08:20:39:05 08:20:40:18 I DON'T THINK SO.
 407 08:20:40:20 08:20:44:04 I WOULD STRONGLY URGE YOU
 NOT TO DO THAT.
 408 08:20:44:06 08:20:46:17 WOULD YOU CONSIDER
 AS THE LAWYER
 409 08:20:46:19 08:20:49:02 ASKING A CLARIFYING
 QUESTION SUCH AS,
 410 08:20:49:04 08:20:53:01 "YOU MEAN MEMORANDA
 SENT TO OTHER PEOPLE
 IN THE COMPANY?"
 411 08:20:53:03 08:20:54:18 THAT'S POSSIBLE.
 412 08:20:54:20 08:20:56:02 THAT'S WHAT I MEAN.
 413 08:20:56:04 08:20:59:03 IF I COULD GET HIM
 TO SAY
 414 08:20:59:05 08:21:01:17 IN SOME FASHION
 ON THE RECORD
 415 08:21:01:19 08:21:05:14 THAT HE WANTS SOMETHING
 WHICH WE DON'T HAVE,
 416 08:21:05:16 08:21:09:00 THEN THE ANSWER IS,
 WE DON'T HAVE IT.
 417 08:21:09:02 08:21:12:18 IF I CAN GET HIM
 TO CLARIFY HIS REQUEST
 418 08:21:12:20 08:21:16:03 IN A WAY WHICH CUTS OUT
 NOTES TO MYSELF
 419 08:21:16:05 08:21:19:02 OR DOODLES
 ON A PIECE OF PAPER
 420 08:21:19:04 08:21:24:02 OR THINGS I SAID TO PEOPLE
 OTHER THAN NELLIE, FOR EXAMPLE.
 421 08:21:24:04 08:21:27:03 IT DEPENDS ON WHAT
 THE QUESTION IS
 422 08:21:27:05 08:21:30:19 AND HOW THE QUESTION
 CAN BE FAIRLY UNDERSTOOD.
 423 08:21:30:21 08:21:33:12 BUT ISN'T THAT ALL
 GAMESMANSHIP?
 424 08:21:33:14 08:21:35:17 YOU'VE NEVER HEARD
 OF GAMESMANSHIP?
 425 08:21:35:19 08:21:37:28 I'M SHOCKED.
 426 08:21:38:00 08:21:41:18 NOT ON THIS SIDE
 OF THE TABLE.
 427 08:21:41:20 08:21:43:02 TOUCHE.
 428 08:21:43:04 08:21:44:17 MR. COTCHETT...
 429 08:21:47:04 08:21:50:04 MR. COTCHETT, YOU'RE
 REPRESENTING SOMEONE

430	08:21:50:06	08:21:52:17	IN AN INTERSECTION ACCIDENT CASE.
431	08:21:52:19	08:21:54:17	THIS IS HYPOTHETICAL.
432	08:21:54:19	08:21:57:20	THE PERSON'S INVOLVED IN AN AUTOMOBILE ACCIDENT.
433	08:21:57:22	08:22:01:02	THEY'RE SUPPOSED TO WEAR THEIR PRESCRIPTION GLASSES.
434	08:22:01:04	08:22:04:03	THE CLIENT COMES TO YOU AND SAYS,
435	08:22:04:05	08:22:07:02	"I WASN'T WEARING MY PRESCRIPTION GLASSES.
436	08:22:07:04	08:22:09:14	I WAS WEARING MY SUNGLASSES."
437	08:22:09:16	08:22:12:17	YOU TAKE THAT CLIENT INTO A DEPOSITION.
438	08:22:12:19	08:22:14:23	MR. ABRAMS ASKS THE CLIENT,
439	08:22:14:25	08:22:17:24	"SIR, WERE YOU WEARING YOUR GLASSES
440	08:22:17:26	08:22:20:02	AT THE TIME OF THE ACCIDENT?"
441	08:22:20:04	08:22:22:02	CAN THE CLIENT SAY YES?
442	08:22:22:04	08:22:23:17	SURELY.
443	08:22:23:19	08:22:25:02	NO PROBLEM.
444	08:22:25:04	08:22:27:27	NOT WITH THE QUESTION AS FRAMED.
445	08:22:27:29	08:22:30:12	ISN'T THAT GAMESMANSHIP?
446	08:22:30:14	08:22:33:16	NO, BECAUSE I HAVEN'T OBJECTED TO THE QUESTION.
447	08:22:33:18	08:22:36:12	I ASSUME YOU'LL ASK A FOLLOW-UP QUESTION.
448	08:22:36:14	08:22:38:01	NO. THAT'S IT.
449	08:22:38:03	08:22:40:15	WERE YOU WEARING YOUR GLASSES?
450	08:22:40:17	08:22:43:19	SHE SAYS, YES, SHE WAS WEARING HER GLASSES.
451	08:22:43:21	08:22:45:20	"OF COURSE, THEY WERE SUNGLASSES,
452	08:22:45:22	08:22:47:07	NOT MY PRESCRIPTION GLASSES."
453	08:22:47:09	08:22:50:01	IF YOU'RE GETTING TO THE POINT
454	08:22:50:03	08:22:53:01	WHERE IT'S A MATERIAL FACT IN THAT ACCIDENT,
455	08:22:53:03	08:22:56:01	I'M GOING TO HAVE A PROBLEM WITH THAT.
456	08:22:56:03	08:22:58:24	JUDGE MERHIGE, ARE WE TALKING THE REAL WORLD?
457	08:22:58:26	08:23:03:15	I'M AFRAID WE ARE, BUT I'M NOT VERY PROUD OF IT.
458	08:23:03:17	08:23:06:16	IT SEEMS TO ME WE'RE FORGETTING THE OATH
459	08:23:06:18	08:23:09:16	THAT YOU TAKE

460 08:23:09:18 08:23:12:16 "TO TELL THE TRUTH,
 THE WHOLE TRUTH."
 461 08:23:12:18 08:23:16:14 IF HE ASKED ABOUT GLASSES,
 YOU KNOW WHAT HE MEANT.
 462 08:23:16:16 08:23:18:19 YOU OUGHT TO TELL HIM.
 463 08:23:18:21 08:23:22:20 MR. GILLERS, WHAT IS
 THE LAWYER'S OBLIGATION?
 464 08:23:22:22 08:23:25:21 BOTH SIDES
 IN ALL KINDS OF CASES
 465 08:23:25:23 08:23:27:19 CAREFULLY WEIGH
 THE EXACT LANGUAGE
 466 08:23:27:21 08:23:29:15 THE OTHER SIDE USES.
 467 08:23:29:17 08:23:31:05 THEY BECOME
 LITERARY CRITICS.
 468 08:23:31:07 08:23:34:12 IF IT'S NOTES, NOT A MEMO,
 IT DOESN'T COUNT.
 469 08:23:34:14 08:23:37:12 IF IT'S IN REACTION
 TO THE MEMO
 470 08:23:37:14 08:23:39:12 AND NOT IN RESPONSE,
 471 08:23:39:14 08:23:42:14 BECAUSE RESPONSE MEANS
 YOU SEND IT BACK,
 472 08:23:42:16 08:23:43:29 IT DOESN'T COUNT.
 473 08:23:44:01 08:23:46:29 IF GLASSES IS A GENERIC TERM
 THAT INCLUDES
 474 08:23:47:01 08:23:49:08 NONPRESCRIPTION
 AND PRESCRIPTION GLASSSES,
 475 08:23:49:10 08:23:50:28 IT DOESN'T COUNT.
 476 08:23:51:00 08:23:55:03 IF THE OTHER SIDE DIDN'T FRAME
 THE QUESTION MORE PARTICULARLY,
 477 08:23:55:05 08:23:56:28 WE PLAY "BLAME THE VICTIM."
 478 08:23:57:00 08:23:59:13 WE HAVE DONE IT
 FOR GENERATIONS.
 479 08:23:59:15 08:24:01:13 THAT'S WHY
 WE HIRE LAWYERS.
 480 08:24:01:15 08:24:05:13 IF ANYBODY CAN ASK
 AN ILL-FRAMED QUESTION
 481 08:24:05:15 08:24:09:19 AND GET THE WHOLE TRUTH,
 YOU WOULDN'T NEED LAWYERS.
 482 08:24:09:21 08:24:11:28 I BELIEVE THE WAY
 THE QUESTIONS
 483 08:24:12:00 08:24:13:29 ARE GOING TO BE FRAMED,
 484 08:24:14:01 08:24:16:09 THE LAWYERS
 ARE SMART ENOUGH
 485 08:24:16:11 08:24:18:13 THAT THEY'RE GOING
 TO INCLUDE
 486 08:24:18:15 08:24:20:14 MEMORANDUMS, WRITINGS,
 DRIBBLE, WHATEVER.
 487 08:24:20:16 08:24:23:22 AND GLASSES ARE GOING TO
 INCLUDE PRESCRIPTION.
 488 08:24:23:24 08:24:26:12 I DON'T THINK
 A WHOLE CASE
 489 08:24:26:14 08:24:28:27 IS GOING TO RISE
 AND FALL
 490 08:24:28:29 08:24:32:07 ON THE SEMANTICS
 OF A QUESTION.

491	08:24:32:09	08:24:33:27	t
492	08:24:32:09	08:24:33:27	EXCEPT IT DOES.
493	08:24:33:29	08:24:37:12	YOU'RE SMART ENOUGH
			TO SAY, "ANY KIND OF WRITING
494	08:24:37:14	08:24:40:27	IN RESPONSE TO, OR CAUSED BY,
			NERVOUS NELLIE'S MEMO."
495	08:24:40:29	08:24:42:26	SOME LAWYERS WON'T
			SAY THAT.
496	08:24:42:28	08:24:46:02	WE BLAME THEM
			FOR NOT SAYING IT.
497	08:24:46:04	08:24:48:25	WE SAY, "HURRAH,
			NOW WE CAN ANSWER
498	08:24:48:27	08:24:51:13	IN THE NARROWEST
			POSSIBLE, INNOCENT WAY."
499	08:24:51:15	08:24:54:12	THAT'S WHAT
			PLAINTIFF'S LAWYERS
			AND DEFENSE LAWYERS DO.
500	08:24:54:14	08:24:56:22	THAT'S WHAT THEY'RE
			PAID FOR DOING.
501	08:24:56:24	08:24:59:26	THIS IS SUPPOSED TO BE
			ETHICS IM LAW.
502	08:24:59:28	08:25:01:25	IT STRIKES ME THAT
503	08:25:01:27	08:25:04:25	MOST OF YOU TALK
			INSIDE THE HOUSE
504	08:25:04:27	08:25:06:12	ENTIRELY AS LAWYERS.
505	08:25:06:14	08:25:09:29	ETHICS GET INTO IT
			ONLY INSOFAR AS UTILITARIANISM.
506	08:25:10:01	08:25:12:17	YOU PUT YOUR FINGER
			ON THAT
507	08:25:12:19	08:25:14:26	WHEN YOU TALKED
			ABOUT PRACTICAL.
508	08:25:14:28	08:25:17:10	I'M NOT SAYING UTILITARIANISM
			IS UNETHICAL,
509	08:25:17:12	08:25:21:27	BUT IT WILL TURN OUT TO BE
			A COST/BENEFIT ANALYSIS.
510	08:25:21:29	08:25:25:11	THAT'S NOT THE ONLY
			ETHICAL TRADITION THAT WE HAVE.
511	08:25:25:13	08:25:27:26	IF YOU'RE SAYING THAT,
			IN EFFECT,
512	08:25:27:28	08:25:30:25	WHAT YOU CALL ETHICS
			IN THE LAW
513	08:25:30:27	08:25:33:05	IS SIMPLY UTILITARIANISM
			OR COST/BENEFIT ANALYSIS,
514	08:25:33:07	08:25:37:09	HOW DO YOU PLUG SOMEONE'S DEATH
			INTO COST/BENEFIT ANALYSIS?
515	08:25:37:11	08:25:40:24	HOW DO YOU PLUG
			TREATING SOMEBODY AS A THING
516	08:25:40:26	08:25:42:20	INTO COST/BENEFIT ANALYSIS?
517	08:25:42:22	08:25:45:25	YOU SAID EARLY ON,
			WHEN THE QUESTION
518	08:25:45:27	08:25:49:10	OF PEOPLE DYING FROM THIS HEATER
			WAS BROUGHT UP,
519	08:25:49:12	08:25:52:09	YOU WERE READY
			TO PAY THE PRICE.
520	08:25:52:11	08:25:55:29	HOW ARE YOU PAYING
			THE PRICE OF DEATH?

521	08:25:56:01	08:25:59:08	IMMANUEL KANT WOULD HAVE MADE A LOUSY LAWYER,
522	08:25:59:10	08:26:01:12	BUT A GREAT JUDGE.
523	08:26:01:14	08:26:03:15	LET'S GO ONE STEP FURTHER.
524	08:26:03:17	08:26:06:00	WE GO THROUGH THE DISCOVERY PHASE
525	08:26:06:02	08:26:07:11	OF THIS BUSINESS.
526	08:26:07:13	08:26:11:20	HIRAM POWERS DOESN'T RECALL THE DETAILS
527	08:26:11:22	08:26:13:10	OF HIS PC MEMORANDUM.
528	08:26:13:12	08:26:16:27	HE ADMITS THAT HE TOOK A FEW NOTES, MAYBE,
529	08:26:16:29	08:26:22:08	BUT DESTROYED THEM AS HE USUALLY DOES.
530	08:26:22:10	08:26:26:20	IT DOESN'T COME TO MUCH AS AN ISSUE.
531	08:26:26:22	08:26:29:09	TOWARDS THE END OF THE TRIAL,
532	08:26:29:11	08:26:35:02	INTO YOUR OFFICE, MR. CHESLEY, COMES TESS TRUEHEART.
533	08:26:35:04	08:26:38:22	TESS USED TO BE THE SECRETARY TO HIRAM POWERS.
534	08:26:38:24	08:26:42:09	SHE SAYS, "I WAS GOING THROUGH FILES.
535	08:26:42:11	08:26:45:22	"I CAME ACROSS ONE OF THE BOSS' FLOPPY DISKS.
536	08:26:45:24	08:26:48:07	"I PLUGGED IT INTO THE MACHINE,
537	08:26:48:09	08:26:51:23	"AND THERE WAS THIS MEMORANDUM ABOUT THE HOT BOY.
538	08:26:51:25	08:26:54:04	I REMEMBER IT IN DETAIL."
539	08:26:54:06	08:26:59:08	SHE RECITES IT DOWN TO THE TACO AND WATERMELON LINE.
540	08:26:59:10	08:27:01:13	SHE HASN'T GOT A COPY.
541	08:27:01:15	08:27:03:15	ARE YOU INTERESTED IN HER?
542	08:27:03:17	08:27:05:07	ABSOLUTELY.
543	08:27:05:09	08:27:08:07	WHAT ARE YOU GOING TO DO WITH HER?
544	08:27:08:09	08:27:11:22	I'M GOING TO ASK HER IF SHE WILL TESTIFY.
545	08:27:11:24	08:27:14:22	IF WE'RE STILL ON THE PLAINTIFF'S CASE,
546	08:27:14:24	08:27:17:22	YOU HAVE TO LIST ALL OF YOUR WITNESSES.
547	08:27:17:24	08:27:20:07	I'M GOING TO ASK THE JUDGE
548	08:27:20:09	08:27:22:23	IF WE CAN AMEND OUR LIST.
549	08:27:22:25	08:27:25:23	IF POWERS HAS TESTIFIED

550 08:27:25:25 AS A DEFENDANT,
 08:27:28:23 I'LL ASK HER
 TO BE A REBUTTAL WITNESS.
 551 08:27:28:25 08:27:32:09 I DON'T KNOW IF WE
 CAN GET PAST THE HEARSAY.
 552 08:27:32:11 08:27:34:21 MR. NEAL,
 TESS TAKES THE STAND
 553 08:27:34:23 08:27:36:05 AND DESCRIBES
 THIS MEMO.
 554 08:27:36:07 08:27:37:19 IT'S DEVASTATING.
 555 08:27:37:21 08:27:40:04 ARE YOU INTERESTED
 IN TESS' BACKGROUND?
 556 08:27:40:06 08:27:42:19 OH, I'VE GOT
 TO DESTROY TESS,
 557 08:27:42:21 08:27:44:20 OR MY CLIENT IS DESTROYED.
 558 08:27:44:22 08:27:48:28 SO I MUST GO OUT
 TO DESTROY TESS.
 559 08:27:49:00 08:27:53:03 YOU'LL BE WILLING TO PUT
 AN INVESTIGATOR ON TESS?
 560 08:27:53:05 08:27:56:05 YES. I WOULD TRY
 TO FIND OUT...
 561 08:27:56:07 08:27:59:06 HERE'S WHAT YOUR DISCREET
 INVESTIGATOR FINDS OUT.
 562 08:27:59:08 08:28:00:22 OK.
 563 08:28:00:24 08:28:03:21 IN FACT, TESS, UM...
 564 08:28:03:23 08:28:07:01 CHANGED HER NAME
 FIVE YEARS AGO.
 565 08:28:07:03 08:28:09:19 THE REASON
 SHE CHANGED HER NAME
 566 08:28:09:21 08:28:11:20 IS THAT SHE,
 IN FACT,
 567 08:28:11:22 08:28:13:14 HAD QUITE A PAST.
 568 08:28:13:16 08:28:16:06 SHE'D HAD
 A BIG DRUG PROBLEM.
 569 08:28:16:08 08:28:18:21 SHE'D HAD A SERIOUS
 PSYCHIATRIC PROBLEM,
 570 08:28:18:23 08:28:21:14 SPENT TIME IN
 A MENTAL INSTITUTION.
 571 08:28:21:16 08:28:23:14 HAD AN EXTRAORDINARILY
 MESSY DIVORCE,
 572 08:28:23:16 08:28:25:19 LOTS OF STUFF IN IT.
 573 08:28:25:21 08:28:28:05 SHE TURNED OVER
 A NEW LEAF,
 574 08:28:28:07 08:28:31:08 CHANGED HER NAME,
 STARTED THIS NEW LIFE.
 575 08:28:31:10 08:28:34:20 ARE YOU GOING TO
 USE THAT?
 576 08:28:34:22 08:28:38:03 DO I KNOW THAT THERE WAS
 SUCH A MEMORANDUM
 577 08:28:38:05 08:28:40:18 AND THAT
 SHE'S TELLING THE TRUTH?
 578 08:28:40:20 08:28:43:04 MR. NEAL,
 YOU REMEMBER
 THAT LUNCH
 579 08:28:43:06 08:28:45:19 WHERE HIRAM
 PASSED IT TO YOU?

580	08:28:45:21	08:28:49:29	YOU'RE GOING TO MAKE ME PLAY THE HEAVY AGAIN?
581	08:28:50:01	08:28:52:04	WHEN TESS TESTIFIED AT COURT,
582	08:28:52:06	08:28:54:03	WHEN SHE RECALLED THAT DOCUMENT,
583	08:28:54:05	08:28:56:04	YOU REMEMBERED WORD FOR WORD,
584	08:28:56:06	08:28:59:04	AND SHE HAD IT JUST RIGHT.
585	08:28:59:06	08:29:02:03	I KNOW THAT SHE'S TELLING THE ABSOLUTE TRUTH.
586	08:29:02:05	08:29:04:15	I KNOW IT'S IN MY POWER
587	08:29:04:17	08:29:07:19	TO MAKE HER APPEAR TO BE A LIAR.
588	08:29:07:21	08:29:11:04	IT'S THE MOST DIFFICULT DECISION A TRIAL LAWYER FACES.
589	08:29:11:06	08:29:13:19	I'D COME DOWN, GOD FORGIVE ME,
590	08:29:13:21	08:29:16:06	MAKING HER LOOK LIKE A LIAR.
591	08:29:16:08	08:29:19:00	CROSS-EXAMINE ME. I'M TESS.
592	08:29:19:02	08:29:21:03	YOUR NAME IS TESS TRUEHEART.
593	08:29:21:05	08:29:24:26	HOW LONG HAS IT BEEN TESS TRUEHEART, TESS?
594	08:29:24:28	08:29:28:02	HA HA HA!
595	08:29:24:28	08:29:28:02	HA HA HA!
596	08:29:28:04	08:29:31:06	WERE YOU EVER KNOWN AS ANYTHING ELSE, TESS?
597	08:29:31:08	08:29:34:24	JUDGE MERHIGE, DO I HAVE TO ANSWER THAT QUESTION?
598	08:29:34:26	08:29:36:16	I THINK YOU DO.
599	08:29:36:18	08:29:38:01	JUDGE PATEL?
600	08:29:38:03	08:29:39:29	WELL, FIRST OF ALL,
601	08:29:40:01	08:29:43:28	HE WON'T CALL HER TESS IN MY COURTROOM.
602	08:29:44:00	08:29:46:14	WELL, I KNOW HER VERY WELL.
603	08:29:46:16	08:29:49:16	ONCE PAST THAT, WE'RE GOING TO HAVE
604	08:29:49:18	08:29:52:01	AN IN CAMERA SESSION WITH COUNSEL
605	08:29:52:03	08:29:54:02	AND FIND OUT WHAT HE'S AFTER
606	08:29:54:04	08:29:56:16	AND WHETHER OR NOT IT'S RELEVANT
607	08:29:56:18	08:30:00:24	AND WHETHER HE'LL BE PERMITTED TO GO INTO IT.
608	08:30:00:26	08:30:04:01	WHERE ARE YOU GOING TO GO FROM HERE?
609	08:30:04:03	08:30:07:02	"I CHANGED MY NAME FIVE YEARS AGO."

610 08:30:07:04 08:30:11:01 MISS TRUEHEART, YOU SAID
YOU SAW THIS MYTHICAL DOCUMENT.
611 08:30:11:03 08:30:15:00 HAVE YOU EVER HAD ANY OCCASIONS
IN THE PAST
612 08:30:15:02 08:30:17:00 TO HAVE AUDITORY
HALLUCINATIONS
613 08:30:17:02 08:30:20:16 OR TO SEE THINGS
THAT DIDN'T EXIST?
614 08:30:20:18 08:30:24:16 IN FACT, MISS TRUEHEART,
HAVE YOU EVER BEEN--
615 08:30:24:18 08:30:27:15 HAVE YOU EVER BEEN
INSTITUTIONALIZED?
616 08:30:27:17 08:30:29:23 ALONG THAT LINE.
617 08:30:29:25 08:30:32:20 I'D SET IT UP
HOPEFULLY BETTER THAN THAT,
618 08:30:32:22 08:30:34:05 BUT I'D BRING OUT
619 08:30:34:07 08:30:37:15 THAT SHE'D BEEN UNDER
CARE OF A PSYCHIATRIST,
620 08:30:37:17 08:30:39:09 THAT SHE'D
BEEN HALLUCINATING,
621 08:30:39:11 08:30:42:08 AND I'D SAY "AHA!"
AND SIT DOWN.
622 08:30:46:01 08:30:47:28 SOUNDS PRETTY GOOD
TO ME.
623 08:30:50:04 08:30:54:08 I'LL BE A VERY POPULAR MAN
IN THIS GROUP HERE.
624 08:30:54:10 08:30:58:00 ONE WORD HIT ME
AS IT WENT BY.
625 08:30:58:02 08:31:00:15 AHA?
626 08:31:00:17 08:31:03:26 NO. MYTHICAL
WAS THE WORD.
627 08:31:03:28 08:31:06:25 I MIGHT GET CALLED DOWN
FOR CHARACTERIZING THAT.
628 08:31:06:27 08:31:09:10 THAT'S TESTIFYING
A LITTLE BIT,
629 08:31:09:12 08:31:11:24 BUT I'D STILL TRY IT.
630 08:31:11:26 08:31:14:01 I'D SAY
"THIS MYTHICAL DOCUMENT."
631 08:31:14:03 08:31:16:20 EVEN THOUGH YOU KNOW
THAT DOCUMENT
632 08:31:16:22 08:31:18:13 WAS NO MYTH WHATSOEVER?
633 08:31:18:15 08:31:22:19 AN ADVERSARY SOCIETY PUTS US
IN ALL THESE ETHICAL DILEMMAS
634 08:31:22:21 08:31:25:04 BECAUSE THE WHOLE CONCEPT IS
635 08:31:25:06 08:31:28:00 THAT THAT MAN
WILL DO HIS JOB,
636 08:31:28:02 08:31:29:15 I'LL DO MY JOB,
637 08:31:29:17 08:31:32:09 AND OUT OF THE CLASH
OF THESE JOBS
638 08:31:32:11 08:31:34:06 WILL COME
TRUTH AND JUSTICE.
639 08:31:34:08 08:31:35:14 MR. NEAL--
640 08:31:35:16 08:31:37:29 I WOULD HAVE TO
DESTROY TESS.
641 08:31:38:01 08:31:41:15 I'D HAVE TO DO IT
EVEN THOUGH I KNEW,

642	08:31:41:17	08:31:44:09	I GUESS
			I KNEW THAT, UH...
643	08:31:44:11	08:31:47:08	BECAUSE
			I'M USING THE TRUTH.
644	08:31:47:10	08:31:50:08	THE TRUTH IS
			SHE'S CHANGED HER NAME,
645	08:31:50:10	08:31:53:02	SHE'S BEEN INSTITUTIONALIZED
			HAVING AUDIORY HALLUCINATIONS
646	08:31:53:04	08:31:56:03	AND SEEING THINGS
			THAT DIDN'T EXIST.
647	08:31:56:05	08:31:58:19	I'M PUTTING OUT THE TRUTH.
648	08:31:58:21	08:32:01:20	NOW, MY GOAL,
			I GUESS YOU'D SAY,
649	08:32:01:22	08:32:03:29	IS TO DECEIVE THE JURY.
650	08:32:04:01	08:32:06:08	THAT'S PERMITTED
			IN OUR SYSTEM.
651	08:32:06:10	08:32:09:10	IF WHAT YOU'RE
			SAYING YOU MUST DO
652	08:32:09:12	08:32:11:19	IS NECESSITATED
			BY THE SYSTEM,
653	08:32:11:21	08:32:14:15	WE HAVE TO TAKE
			ANOTHER LOOK AT THE SYSTEM.
654	08:32:14:17	08:32:18:05	IT'S A MATTER OF TRYING TO
			GET CRITICAL DISTANCE--
655	08:32:18:07	08:32:21:27	I'M NOT SURE WE
			SHOULDN'T TAKE A NEW LOOK
656	08:32:21:29	08:32:23:14	AT THE ADVERSARY SYSTEM.
657	08:32:23:16	08:32:27:00	ALL I EVER READ
			WHEN I HEAR THE JUSTIFICATION,
658	08:32:27:02	08:32:31:13	THIS STUFF ABOUT "THE TRUTH
			COMES OUT THROUGH CONFLICT."
659	08:32:31:15	08:32:34:13	I HAVE NEVER SEEN
			A LIVELY DEBATE
660	08:32:34:15	08:32:37:07	THAT EVER RESULTED
			IN ANY TRUTH.
661	08:32:37:09	08:32:40:22	MOSTLY IT RESULTS
			IN AN EXACERBATION OF THE ISSUE
662	08:32:40:24	08:32:44:11	AND MAYBE
			A CLEARER DEFINITION OF IT.
663	08:32:44:13	08:32:47:10	JUDGE PATEL,
			YOU MENTIONED BEFORE
664	08:32:47:12	08:32:51:29	THAT YOU WOULD CONSIDER
			WHETHER YOU'D ALLOW
			MR. NEAL TO DO THIS.
665	08:32:52:01	08:32:55:19	HAVING HEARD MR. NEAL,
			WILL YOU ALLOW IT?
666	08:32:55:21	08:32:58:05	NOT BASED UPON
			WHAT I'VE HEARD.
667	08:32:58:07	08:33:01:27	I WON'T LET HIM USE
			THE TERM MYTHICAL, FOR EXAMPLE.
668	08:33:01:29	08:33:05:28	I HAVE THE POWER TO CORRECT
			WHAT I MAY BELIEVE
669	08:33:06:00	08:33:09:28	IS AN EFFORT ON BOTH SIDES
			TO DECEIVE THE JURY
670	08:33:10:00	08:33:12:12	AND DO MORE DAMAGE TO HIM
671	08:33:12:14	08:33:15:11	AS A RESULT

672 08:33:15:13 OF THAT KIND OF QUESTION
 08:33:17:28 THAN THAT QUESTION
 673 08:33:18:00 WOULD SUGGEST.
 08:33:20:28 WILL YOU LET HIM
 674 08:33:21:00 GO AFTER THE WITNESS
 08:33:23:27 ON HER NAME CHANGE,
 675 08:33:23:29 HER PSYCHIATRIC HISTORY,
 08:33:25:18 HER DRUG
 INVOLVEMENT?
 676 08:33:25:20 08:33:28:12 IT DEPENDS UPON
 HOW PROXIMATE IT IS
 677 08:33:28:14 08:33:30:16 TO THE TIME
 OF HER TESTIMONY,
 678 08:33:30:18 08:33:33:20 TO THE TIME WHEN
 SHE WENT TO WORK THERE.
 679 08:33:33:22 08:33:35:25 IF THERE'S
 A LENGTHY HISTORY
 680 08:33:35:27 08:33:38:06 OF HER HAVING
 NO SUCH PROBLEMS,
 681 08:33:38:08 08:33:41:05 I WON'T ALLOW HIM
 TO GO INTO IT.
 682 08:33:41:07 08:33:42:25 JUDGE MERHIGE?
 683 08:33:42:27 08:33:45:12 IS IT RELEVANT
 TO HER CREDIBILITY?
 684 08:33:45:14 08:33:48:11 THESE ARE TOUGH QUESTIONS,
 AS YOU KNOW.
 685 08:33:48:13 08:33:51:10 I DON'T THINK
 THERE ARE ANY EASY ANSWERS,
 686 08:33:51:12 08:33:53:25 BUT WE'VE USED
 THE ADVERSARY SYSTEM,
 687 08:33:53:27 08:33:58:18 I THINK, VERY WELL
 FOR A LONG, LONG, TIME.
 688 08:33:58:20 08:34:01:16 THERE MAY BE,
 AS DR. SMITH SUGGESTS,
 689 08:34:01:18 08:34:04:16 MAYBE WE OUGHT TO
 LOOK AT IT AGAIN,
 690 08:34:04:18 08:34:07:10 BUT BEING
 ABSOLUTELY PRACTICAL--
 691 08:34:07:12 08:34:11:05 IT'S NOT GOING TO
 MAKE ME VERY POPULAR
 692 08:34:11:07 08:34:16:10 WITH THE MEMBERS
 OF THE BAR--
 693 08:34:16:12 08:34:19:11 UH...LAWYERS
 ARE NOT ALWAYS LOOKING
 694 08:34:19:13 08:34:21:25 FOR THE TRUTH
 IN A CASE,
 695 08:34:21:27 08:34:24:25 BUT IF THEY STAY
 WITHIN THE RULES,
 696 08:34:24:27 08:34:27:10 IT'S WORKED
 FOR A LONG TIME.
 697 08:34:27:12 08:34:30:08 IT BOTHERS ME,
 BUT NOT SO MUCH--
 698 08:34:30:10 08:34:33:09 I WOULDN'T GO
 AS FAR AS JUDGE PATEL.
 699 08:34:33:11 08:34:36:09 I WON'T MAKE
 THOSE KINDS OF DECISIONS.

700	08:34:36:11	08:34:37:22	WE HAVE A JURY.
701	08:34:37:24	08:34:40:02	THEY'LL JUDGE THE WITNESS' CREDIBILITY.
702	08:34:40:04	08:34:44:13	I THINK MR. NEAL HAS A RIGHT TO DO WHAT HE'S DOING.
703	08:34:44:15	08:34:45:28	I AGREE.
704	08:34:46:00	08:34:47:19	SAY THAT AGAIN, SIR.
705	08:34:47:21	08:34:49:17	I AGREE, AND...
706	08:34:49:19	08:34:52:24	I THINK THE PROBLEM IS THE ADVERSARY SYSTEM.
707	08:34:52:26	08:34:55:23	IF YOU WANT TO HAVE THE ADVERSARY SYSTEM,
708	08:34:55:25	08:34:57:18	THIS RESULT FOLLOWS.
709	08:34:57:20	08:35:00:19	PROFESSOR SMITH MAY SAY SCRAP THE ADVERSARY SYSTEM,
710	08:35:00:21	08:35:04:08	BUT YOU'D BETTER LOOK AT WHAT THE ALTERNATIVE IS.
711	08:35:04:10	08:35:06:22	THE ADVERSARY SYSTEM HAS BEEN DESCRIBED,
712	08:35:06:24	08:35:08:15	NOT TOO UNREALISTICALLY,
713	08:35:08:17	08:35:10:24	AS BASED UPON THE PREMISE
714	08:35:10:26	08:35:12:25	THAT IF YOU TAKE TWO PHOTOGRAPHS,
715	08:35:12:27	08:35:15:23	ONE FOCUSED TOO FAR, THE OTHER TOO NEAR,
716	08:35:15:25	08:35:18:04	SUPERIMPOSE THEM ONE UPON THE OTHER,
717	08:35:18:06	08:35:20:13	YOU'LL GET A SHARP IMAGE.
718	08:35:20:15	08:35:22:09	THAT ISN'T ALWAYS TRUE,
719	08:35:22:11	08:35:25:08	BUT THAT IS CERTAINLY AN ACCURATE DESCRIPTION
720	08:35:25:10	08:35:28:13	OF WHAT THE SYSTEM CONSISTS OF.
721	08:35:28:15	08:35:31:12	EVEN THOUGH THE PEOPLE INSIDE THE SYSTEM
722	08:35:31:14	08:35:34:12	ARE WORKING HARD TO PRODUCE A RESULT
723	08:35:34:14	08:35:37:12	WHICH THEY KNOW TO BE UNTRUE?
724	08:35:37:14	08:35:40:11	THEY ARE WORKING AS HARD AS THEY CAN
725	08:35:40:13	08:35:43:18	TO PRODUCE THE TRUE EVIDENCE THAT IS MOST FAVORABLE
726	08:35:43:20	08:35:45:07	TO THEIR CASE.
727	08:35:45:09	08:35:49:06	THE OTHER SIDE IS WORKING TO PRODUCE THE TRUE EVIDENCE--
728	08:35:49:08	08:35:52:06	ONCE IT BECOMES FALSE, YOU'RE OUT OF THE SYSTEM--
729	08:35:52:08	08:35:54:26	THAT'S MOST FAVORABLE FOR THEM.
730	08:35:54:28	08:35:58:02	LET THE JURY PICK BETWEEN THE TWO TRUTHS.
731	08:35:58:04	08:35:59:25	I WOULD RESPECTFULLY DISSENT
732	08:35:59:27	08:36:01:26	THAT TOO OFTEN

733 08:36:01:28 IT HAPPENS
 08:36:03:27 THAT THERE'S
 734 08:36:03:29 NOT AN EFFORT
 08:36:06:00 TO OBTAIN
 A SHARPER IMAGE,
 735 08:36:06:02 08:36:08:17 BUT TO OBFUSCATE
 IN THE HOPES
 736 08:36:08:19 08:36:10:06 OF MISLEADING
 THE JURY
 737 08:36:10:08 08:36:13:07 SO THEY'LL FIND
 IN FAVOR OF YOUR CLIENT.
 738 08:36:13:09 08:36:16:22 THE PROBLEM JUDGE PATEL HAS
 IS SHE DOESN'T KNOW
 739 08:36:16:24 08:36:20:08 IF THE WITNESS
 IS TELLING THE TRUTH.
 740 08:36:20:10 08:36:24:04 MR. NEAL
 ISN'T GOING TO TELL HER.
 741 08:36:24:06 08:36:26:21 CAN'T YOU SAY TO MR. NEAL,
 742 08:36:26:23 08:36:29:22 "AT LEAST YOU HAVE
 AN ETHICAL OBLIGATION
 743 08:36:29:24 08:36:32:28 NOT TO CONSCIOUSLY
 LEAD THE SYSTEM TO AN UNTRUTH?"
 744 08:36:33:00 08:36:36:04 FOR BETTER OR WORSE,
 AND IT MAY BE WORSE,
 745 08:36:36:06 08:36:39:05 BUT MR. NEAL HAS
 THE OPPOSITE ETHICAL OBLIGATION.
 746 08:36:39:07 08:36:41:19 AS JUSTICE SCALIA
 CORRECTLY SAYS,
 747 08:36:41:21 08:36:45:25 HIS OBLIGATION IS TO INTRODUCE
 THAT TRUTH THAT HELPS HIM
 748 08:36:45:27 08:36:48:24 AND ENCOURAGE THE JURY
 TO DISBELIEVE
 749 08:36:48:26 08:36:53:19 WHAT HE KNOWS TO BE THE TRUTH
 IF IT HELPS THE OTHER SIDE,
 750 08:36:53:21 08:36:56:20 AND THE OTHER SIDE
 DOES THE SAME THING.
 751 08:36:56:22 08:36:59:19 THE TRUTH THAT WE GET
 MAY BE FALSE,
 752 08:36:59:21 08:37:03:18 BUT IT'S TRUE FOR THE PURPOSES
 OF OUR JUSTICE SYSTEM.
 753 08:37:03:20 08:37:08:04 WE'VE LIVED WITH THAT SYSTEM
 FOR HUNDREDS OF YEARS.
 754 08:37:08:06 08:37:09:20 HERE'S WHAT HAPPENS.
 755 08:37:09:22 08:37:12:04 THE CASE COMES
 ALMOST TO CONCLUSION.
 756 08:37:12:06 08:37:13:19 THE EVIDENCE CLOSES.
 757 08:37:13:21 08:37:16:09 WE'VE HAD ARGUMENTS
 TO THE JURY.
 758 08:37:16:11 08:37:18:14 IT'S A FRIDAY AFTERNOON.
 759 08:37:18:16 08:37:23:22 MR. NEAL, YOU'VE BEEN THROUGH
 A TOUGH ONE HERE.
 760 08:37:23:24 08:37:27:04 MONDAY MORNING, THE CASE
 WILL GO TO THE JURY
 761 08:37:27:06 08:37:29:05 WITH THE JUDGE'S INSTRUCTIONS.
 762 08:37:29:07 08:37:31:23 YOU'RE SITTING
 HAVING A JACK DANIEL'S,

763	08:37:31:25	08:37:37:00	AND A YOUNG ASSOCIATE OF YOURS
			COMES UP TO YOU ASHEN-FACED
764	08:37:37:02	08:37:40:24	WITH A FLOPPY DISK
			IN HIS HAND.
765	08:37:40:26	08:37:44:03	HE SAYS, "I WAS GOING
			THROUGH THE FILES,
766	08:37:44:05	08:37:46:12	"AND I FOUND THIS FLOPPY.
767	08:37:46:14	08:37:50:14	"WHEN I BROUGHT IT UP,
			IT WAS A FILE CALLED NELLIE.
768	08:37:50:16	08:37:54:13	AND THERE WAS--
			THERE WAS THE DOCUMENT."
769	08:37:54:15	08:37:56:07	WHAT DO YOU DO?
770	08:37:56:09	08:37:59:07	I HAVE TO ASK YOU
			SOME QUESTIONS.
771	08:37:59:09	08:38:01:27	HAVE I DENIED
			THE FLOPPY EXISTED?
772	08:38:01:29	08:38:04:18	NO. WELL...
773	08:38:04:20	08:38:07:04	WELL? WELL?
774	08:38:07:06	08:38:10:05	PRODUCTION
			OF DOCUMENTS, MAYBE.
775	08:38:10:07	08:38:13:28	I GUESS HIRAM POWERS
			HAS SAID THERE'S
			NO RECORD OF IT.
776	08:38:14:00	08:38:16:22	ALTHOUGH EVERYBODY THINKS
			I'M A SCALAWAG,
777	08:38:16:24	08:38:20:27	I GO TO THE LIMITS OF THE CODE
			OF PROFESSIONAL RESPONSIBILITY,
778	08:38:20:29	08:38:25:03	WHICH WOULD REQUIRE ME TO
			PRODUCE THAT FOR THE OTHER SIDE.
779	08:38:25:05	08:38:27:22	I NOW KNOW IT DOES EXIST.
780	08:38:27:24	08:38:29:24	I HAVE TO PRODUCE IT.
781	08:38:29:26	08:38:31:29	FRIDAY AFTERNOON,
			JUDGE HAS GONE FISHING--
782	08:38:32:01	08:38:35:01	I TRY TO SETTLE THE CASE
			FIRST MAYBE.
783	08:38:35:03	08:38:37:03	I TRY TO SETTLE IT.
784	08:38:37:05	08:38:41:26	THERE'S
			A PHONE CALL.
			HA HA HA!
785	08:38:41:28	08:38:44:11	SURPRISE
			PHONE CALL.
786	08:38:44:13	08:38:46:29	MR. COOPER,
			WHAT DO YOU THINK?
787	08:38:47:01	08:38:48:19	I'D SETTLE IT.
788	08:38:48:21	08:38:51:05	IF THAT DOCUMENT
			COMES OUT,
789	08:38:51:07	08:38:53:10	IT'S MURDER
			FOR THE COMPANY.
790	08:38:53:12	08:38:57:01	MR. NEAL, WILL YOU GIVE
			CHESLEY A CALL THERE?
791	08:38:57:03	08:39:01:00	HE'S BEEN ASKING FOR \$1 MILLION
			TO SETTLE THE CASE.
792	08:39:01:02	08:39:03:01	WOULD YOU CONSIDER SAYING
793	08:39:03:03	08:39:06:11	"I'M READY TO GO
			FOR YOUR MILLION"?
794	08:39:06:13	08:39:10:01	NO. I WOULD TELL MR. CHESLEY

BEFORE I SETTLED.

795 08:39:10:03 08:39:14:09 I COULDN'T SETTLE WITHOUT
DISCLOSING THAT DOCUMENT TO HIM.

796 08:39:14:11 08:39:16:29 I'D HAVE TO DO IT.

797 08:39:17:01 08:39:19:06 CAN WE SETTLE
THE CASE?

798 08:39:19:08 08:39:21:07 WE COULD SETTLE
THE CASE.

799 08:39:21:09 08:39:23:14 I DON'T THINK IT MATTERS

800 08:39:23:16 08:39:26:01 WHETHER YOU SETTLE
FOR \$1 MILLION

801 08:39:26:03 08:39:29:10 OR YOU HAGGLE
AND SETTLE FOR LESS

802 08:39:29:12 08:39:31:08 BECAUSE
THE PLAINTIFF'S LAWYER

803 08:39:31:10 08:39:34:08 MAY STILL HAVE CONCERNS
ABOUT THE CASE.

804 08:39:34:10 08:39:36:13 EVEN IF YOU
DON'T HAGGLE,

805 08:39:36:15 08:39:38:21 THE SETTLEMENT OFFER
HAS BEEN BASED

806 08:39:38:23 08:39:41:24 UPON THE MISINFORMATION
THAT YOU GAVE HIM,

807 08:39:41:26 08:39:44:14 SO I'M NOT SURE
THAT MAKES THE DIFFERENCE.

808 08:39:44:16 08:39:47:08 YOU MUST
REVEAL THE DOCUMENT.

809 08:39:47:10 08:39:48:23 YOU REVEAL
THE DOCUMENT,

810 08:39:48:25 08:39:51:23 AND THE OFFER,
OF COURSE, GOES UP.

811 08:39:51:25 08:39:54:28 IT WAS \$1 MILLION.
NOW IT'S 3,

812 08:39:55:00 08:39:57:24 AND YOU'RE READY
TO PAY 3,

813 08:39:57:26 08:39:59:24 BUT YOU
WANT TO CONTROL

814 08:39:59:26 08:40:01:23 THE FUTURE
OF THAT DOCUMENT.

815 08:40:01:25 08:40:04:07 CAN YOU DO IT,
MS. BIRNBAUM?

816 08:40:04:09 08:40:07:04 YOU WANT
A CONFIDENTIALITY AGREEMENT.

817 08:40:07:06 08:40:09:13 YOU'LL SETTLE IT
FOR \$3 MILLION,

818 08:40:09:15 08:40:12:13 BUT YOU WANT TO GET
ALL YOUR DOCUMENTS BACK

819 08:40:12:15 08:40:14:17 AS PART
OF THE SETTLEMENT.

820 08:40:14:19 08:40:17:18 THIS GOES ON OFTEN
IN CIVIL LITIGATION,

821 08:40:17:20 08:40:20:07 ESPECIALLY IN
THE PRODUCTS LIABILITY AREA.

822 08:40:20:09 08:40:22:22 AS PART AND PARCEL
OF SETTLEMENT,

823 08:40:22:24 08:40:25:09 THE DEFENDANT ASKS

824 08:40:25:11 FOR THE CONFIDENTIAL--
 08:40:30:08 OR THE DOCUMENTS BACK THAT
 825 08:40:30:10 HAVE BEEN GIVEN IN THE LAWSUIT,
 08:40:33:11 AND VERY OFTEN, MOST TIMES,
 826 08:40:33:13 THERE IS AN AGREEMENT
 08:40:36:22 BETWEEN THE PLAINTIFF
 AND THE DEFENDANT TO DO THAT.
 827 08:40:36:24 08:40:40:21 THERE MAY HAVE BEEN
 A PROTECTIVE ORDER IN THE CASE
 828 08:40:40:23 08:40:42:07 REQUIRING THAT.
 829 08:40:42:09 08:40:45:17 WHILE I WOULD LIKE NOT
 TO HAVE IT CONFIDENTIAL
 830 08:40:45:19 08:40:48:02 AND NOT TO
 RETURN THE DOCUMENTS,
 831 08:40:48:04 08:40:52:26 MY ETHICAL DUTY
 IS TO MY CLIENT.
 832 08:40:52:28 08:40:56:05 IF I CAN MAXIMIZE RECOVERY
 TO MY CLIENT--
 833 08:40:56:07 08:40:58:11 THAT IS WHO I WORK FOR,
 834 08:40:58:13 08:41:01:05 AND THEREFORE,
 IF THE CONDITION OF SETTLEMENT
 835 08:41:01:07 08:41:03:02 WITH THAT CASE
 836 08:41:03:04 08:41:06:01 HAS TO DO
 WITH RETURNING THOSE DOCUMENTS,
 837 08:41:06:03 08:41:09:00 THEN MY ETHICAL DUTY
 IS TO ACCEPT THE SETTLEMENT
 838 08:41:09:02 08:41:11:05 AS TO MAXIMIZE HIS RECOVERY.
 839 08:41:11:07 08:41:15:08 IF I SAY I WILL NOT
 GIVE BACK THE DOCUMENTS
 840 08:41:15:10 08:41:17:20 AND THEY WITHDRAW
 THE SETTLEMENT,
 841 08:41:17:22 08:41:19:16 I GET NOTHING,
 842 08:41:19:18 08:41:22:16 THE VERDICT COMES IN
 FOR THE DEFENDANT,
 843 08:41:22:18 08:41:25:16 I HAVE VIOLATED
 MY DUTY TO MY CLIENT.
 844 08:41:25:18 08:41:27:27 THE PROBLEM
 WE'RE HAVING NOW
 845 08:41:27:29 08:41:31:01 IS NOT ONLY
 WHO GETS THE DOCUMENTS.
 846 08:41:31:03 08:41:34:01 THERE'S AN ATTEMPT
 TO PREVENT THE PLAINTIFF
 847 08:41:34:03 08:41:37:01 FROM DOING FUTURE LITIGATION
 AGAINST HOT BOY.
 848 08:41:37:03 08:41:40:09 I RESENT THAT BECAUSE
 I THINK THAT'S UNETHICAL.
 849 08:41:40:11 08:41:43:14 IN OTHER WORDS,
 PART OF THE CONSIDERATION IS
 850 08:41:43:16 08:41:45:17 YOU'RE TO HAVE
 A LOBOTOMY, CHESLEY,
 851 08:41:45:19 08:41:48:26 AND YOU'RE NOT
 ALLOWED TO EVER
 REPRESENT ANYBODY
 852 08:41:48:28 08:41:50:17 AGAINST HOT BOY.
 853 08:41:50:19 08:41:52:29 I WON'T DO THAT.
 THAT'S UNETHICAL.

854	08:41:53:01	08:41:55:01	WHAT ABOUT CHARGING
			\$3 MILLION MORE,
855	08:41:55:03	08:41:56:29	EFFECTIVELY
			SELLING THE DISK?
856	08:41:57:01	08:42:00:26	SAY, "I WAS WILLING
			TO SETTLE FOR \$3 MILLION,
857	08:42:00:28	08:42:03:26	BUT IF YOU WANT THE DISK
			KEPT CONFIDENTIAL--"
858	08:42:03:28	08:42:07:00	I THOUGHT
			THAT'S HOW WE GOT
			TO \$3 MILLION.
859	08:42:07:02	08:42:11:07	I THOUGHT IT WENT UP TO 3
			BECAUSE THE CASE WAS STRONGER
860	08:42:11:09	08:42:13:15	AND THE UNCERTAINTIES
			OF THE CASE
861	08:42:13:17	08:42:15:01	WENT INTO THE MILLION.
862	08:42:15:03	08:42:19:06	WILL YOU HOLD THEM UP
			FOR \$3 MILLION FOR THE DISK?
863	08:42:19:08	08:42:20:17	I DON'T BELIEVE SO.
864	08:42:20:19	08:42:24:07	I BELIEVE WE SHOULD
			TELL THE COURT THE FACTS
865	08:42:24:09	08:42:27:15	AND LET THE COURT
			MAKE THE HARD DECISION
866	08:42:27:17	08:42:29:29	ON THE CONFIDENTIALITY
			OF THE DOCUMENT.
867	08:42:30:01	08:42:33:14	MY CONCERN, THOUGH, IS
			WHILE I'LL RETURN THE DOCUMENTS,
868	08:42:33:16	08:42:36:00	THERE WILL ALSO
			BE A LETTER
869	08:42:36:02	08:42:38:29	SAYING I'M RETURNING THEM
			WITH THE UNDERSTANDING
870	08:42:39:01	08:42:41:09	THAT THEY WON'T BE DESTROYED
871	08:42:41:11	08:42:44:09	AND MAY BE USED
			FOR FUTURE CLAIMANTS
872	08:42:44:11	08:42:48:00	IRRESPECTIVE OF WHETHER
			I REPRESENT THOSE PEOPLE OR NOT.
873	08:42:48:02	08:42:49:28	WON'T
			MAKE THAT DEAL.
874	08:42:50:00	08:42:52:09	THEN I'LL GO
			TO THE COURT.
875	08:42:52:11	08:42:54:15	AND THEY WON'T
			PAY 6 MILLION.
876	08:42:54:17	08:42:58:10	THEY WILL IF IT'S CONFIDENTIAL
			AND THEY GET THEIR DOCUMENT.
877	08:42:58:12	08:42:59:29	NOT WITHOUT
			THAT AGREEMENT.
878	08:43:00:03	08:43:02:14	I GIVE THEM BACK
			THE DOCUMENT,
879	08:43:02:16	08:43:05:29	BUT NOT THE RIGHT
			TO DESTROY THE DOCUMENT NOW
880	08:43:06:01	08:43:07:29	RELATIVE
			TO FUTURE LITIGATION.
881	08:43:08:01	08:43:10:07	WHY IS THAT
			YOUR BUSINESS?
882	08:43:10:09	08:43:12:25	YOU HAVE
			YOUR CLIENT.

883	08:43:12:27	08:43:15:00	MY CLIENT'S GOT THE MONEY.
884	08:43:15:02	08:43:17:19	YOUR CLIENT HASN'T GOT THE MONEY
885	08:43:17:21	08:43:19:27	UNTIL YOU MAKE THIS DEAL.
886	08:43:19:29	08:43:22:24	I'LL GO TO THE COURT ON THAT ONE.
887	08:43:22:26	08:43:24:19	I'M GIVING THE DEFENDANT
888	08:43:24:21	08:43:27:03	EVERYTHING THEY'RE LEGALLY ENTITLED TO HAVE,
889	08:43:27:05	08:43:30:01	WHICH IS CONFIDENTIALITY AND THEIR DOCUMENT BACK.
890	08:43:30:03	08:43:34:06	I BELIEVE A COURT WILL ENFORCE WHAT I'M SUGGESTING.
891	08:43:34:08	08:43:37:03	HOW CAN A COURT IMPOSE A SETTLEMENT?
892	08:43:37:05	08:43:38:21	THEY CAN'T DO THAT.
893	08:43:38:23	08:43:41:23	THEY'RE ENTITLED TO DESTROY THE DOCUMENT?
894	08:43:41:25	08:43:43:22	IF IT'S NOT ILLEGAL.
895	08:43:43:24	08:43:45:18	IF IT'S NOT ILLEGAL.
896	08:43:45:20	08:43:47:27	YOU'RE MAKING YOUR CLIENT PAY
897	08:43:47:29	08:43:50:07	SO THAT FUTURE CLIENTS CAN RECOVER.
898	08:43:50:09	08:43:52:18	I WOULDN'T JEOPARDIZE THE SETTLEMENT--
899	08:43:52:20	08:43:54:04	YOU JUST DID.
900	08:43:54:06	08:43:56:23	NO, I SAID I'M GOING TO--
901	08:43:56:25	08:43:59:27	MS. BIRNBAUM, I'M RETURNING THE DOCUMENT AND THE DISK,
902	08:43:59:29	08:44:03:16	BUT I URGE THAT THIS DISK SHOULDN'T BE DESTROYED,
903	08:44:03:18	08:44:07:03	SO THAT IT MAY BE USED FOR FUTURE LITIGATION.
904	08:44:07:05	08:44:10:02	DOES YOUR DUTY TO KEEP THE CONFIDENCE
905	08:44:10:04	08:44:12:15	DEPEND UPON THEM NOT DESTROYING IT?
906	08:44:12:17	08:44:15:17	I CAN'T-- ONCE THEY OWN IT--
907	08:44:15:19	08:44:17:28	I THINK THERE'S ANOTHER PLAYER HERE
908	08:44:18:00	08:44:20:07	THAT WE HAVEN'T MENTIONED ENOUGH.
909	08:44:20:09	08:44:22:16	THE COURT HAS GOT TO DECIDE
910	08:44:22:18	08:44:25:03	WHETHER TO ENTER THIS PROTECTIVE ORDER,
911	08:44:25:05	08:44:28:06	AND THE COURT SHOULD CONSIDER IN DECIDING
912	08:44:28:08	08:44:30:18	MR. MAYNARD OVER HERE,
913	08:44:30:20	08:44:34:01	WHO IS THE SURROGATE FOR THE PUBLIC.

914	08:44:34:03	08:44:37:14	LET'S SEE HOW JUDGE MERHIGE TAKES THAT ONE.
915	08:44:37:16	08:44:40:20	HERE'S THE WAY IT COMES UP TO YOU.
916	08:44:40:22	08:44:42:20	MS. BIRNBAUM HAS WORKED OUT
917	08:44:42:22	08:44:44:15	A SETTLEMENT ARRANGEMENT
918	08:44:44:17	08:44:46:10	WITH PLAINTIFF'S COUNSEL,
919	08:44:46:12	08:44:48:04	BUT THE AGREEMENT REQUIRES
920	08:44:48:06	08:44:50:15	THAT ALL DOCUMENTS BE RETURNED,
921	08:44:50:17	08:44:52:26	THAT THE PLAINTIFF REMAIN...
922	08:44:52:28	08:44:54:27	TREAT AS CONFIDENTIAL
923	08:44:54:29	08:44:57:25	THE EXISTENCE OF THIS FLIPPY, FLOPPY DISK
924	08:44:57:27	08:45:00:25	AND THAT THE RECORDS ARE SEALED AFTER,
925	08:45:00:27	08:45:03:25	AND WITH THAT, THE CASE WILL GO AWAY.
926	08:45:03:27	08:45:06:10	I HAVE NO PROBLEM WITH THAT,
927	08:45:06:12	08:45:08:06	BUT THEY'D GET HELL
928	08:45:08:08	08:45:11:29	FOR WAITING SO LONG TO SETTLE IT.
929	08:45:12:01	08:45:14:04	THAT'S NEITHER HERE NOR THERE.
930	08:45:14:06	08:45:18:05	IT'S, UH... PRIVATE LITIGATION.
931	08:45:18:07	08:45:22:20	I REALLY WOULDN'T HAVE ANY PROBLEM WITH THAT AT ALL.
932	08:45:22:22	08:45:24:25	I'D ENTER THE ORDER.
933	08:45:24:27	08:45:27:10	BUT UNFORTUNATELY, ONE OF THE PROBLEMS
934	08:45:27:12	08:45:29:19	OF THE PUBLIC INTEREST
935	08:45:29:21	08:45:32:18	IN KNOWING HOW THESE MATTERS ARE RESOLVED
936	08:45:32:20	08:45:34:13	IS FREQUENTLY COMPROMISED
937	08:45:34:15	08:45:37:14	BY SETTLEMENTS IN WHICH PART OF THE UNDERSTANDING
938	08:45:37:16	08:45:41:02	OF BOTH PARTIES IS THAT ALL OF THE DOCUMENTS
939	08:45:41:04	08:45:44:24	THAT HAVE BEEN IDENTIFIED AS CONFIDENTIAL IN THE LITIGATION
940	08:45:44:26	08:45:48:04	WILL BE DESTROYED UPON THE SETTLEMENT.
941	08:45:48:06	08:45:50:14	HISTORY, AS WELL AS NEWS,
942	08:45:50:16	08:45:53:14	SUFFERS AS A RESULT OF THAT PRACTICE.
943	08:45:53:16	08:45:55:03	WE HAVE IN CALIFORNIA

944 08:45:55:05 08:45:58:04 COMPANIES WHO EXIST
 945 08:45:58:06 08:46:00:19 SOLELY FOR THE PURPOSE
 946 08:46:00:21 08:46:03:03 OF MAKING CERTAIN
 947 08:46:03:05 08:46:05:08 THAT CONFIDENTIAL DOCUMENTS
 948 08:46:05:10 08:46:09:02 AT THE CONCLUSION
 949 08:46:09:04 08:46:12:22 OF LITIGATION
 950 08:46:12:24 08:46:16:06 ARE NOT JUST BURNED,
 951 08:46:16:08 08:46:18:04 BUT BURNED AND THEN BOILED
 952 08:46:18:06 08:46:22:03 IN SULFURIC ACID
 953 08:46:22:05 08:46:25:03 AND THEN TURNED INTO SOMETHING
 954 08:46:25:05 08:46:28:17 THAT CAN BE UNDESCRIBABLE,
 955 08:46:28:19 08:46:32:21 AND THEN THEY BURY IT.
 956 08:46:32:23 08:46:36:17 I THINK THAT'S APPROPRIATE
 957 08:46:36:19 08:46:39:02 I THINK THAT'S APPROPRIATE
 958 08:46:39:04 08:46:42:18 WITHIN THE FRAMEWORK OF
 959 08:46:42:20 08:46:46:08 WHAT WE THINK HAS HAPPENED HERE.
 960 08:46:46:10 08:46:49:12 IT'S A TROUBLESOME ASPECT
 961 08:46:49:14 08:46:53:15 OF OUR SYSTEM--
 962 08:46:53:17 08:46:56:16 I HEARD JUDGE MERHIGE
 963 08:46:56:18 08:46:59:01 USE THE TERM PRIVATE LITIGATION.
 964 08:46:59:03 08:47:01:12 I'M NOT SURE THAT AFTER
 965 08:47:01:14 08:47:04:12 THE TAXPAYERS OF THIS NATION
 966 08:47:04:14 08:47:08:11 HAVE PAID WHAT THEY PAY
 967 08:47:08:13 08:47:10:11 FOR THE COST OF LITIGATION
 968 08:47:10:13 08:47:13:13 THAT INDEED
 969 08:47:13:15 08:47:16:10 IT'S FAIR TO CONSTRUE
 970 08:47:16:12 08:47:18:14 THE WORK PRODUCT OF THAT EVENT
 971 08:47:18:16 08:47:21:02 AS BEING PRIVATE.
 972 08:47:21:04 08:47:23:13 BUT I'M AFRAID
 973 08:47:23:15 08:47:26:04 THAT IF THE ISSUE HERE
 974 08:47:26:06 08:47:28:24 IS THAT A COMPANY
 HAD A LONG-STANDING PRACTICE
 OF PRODUCING A PRODUCT THAT
 WAS HARMFUL TO THE COMMUNITY,
 PARTICULARLY THE MOST VULNERABLE
 SECTOR OF THE COMMUNITY,
 AND WHERE
 THE CHIEF EXECUTIVE OFFICER
 HAD MADE HIS OWN DECISION
 AS TO THE VALUE
 OF THE VICTIMS' LIVES,
 IT SEEMS TO ME THAT THERE IS
 A GREAT PUBLIC INTEREST
 AT STAKE HERE,
 AND UNFORTUNATELY,
 IN MANY SUCH INSTANCES,
 THE DOCUMENTATION AND SUPPORT
 FOR WHAT HAPPENED
 DO INDEED DISAPPEAR.
 MR. COOPER, WHAT HAPPENS
 TO THIS FLOPPY DISK
 AFTER YOU
 PAID \$6 MILLION?
 FIRST, I'M
 GOING TO FIRE YOU
 FOR WRITING IT
 IN THE FIRST PLACE

975 08:47:28:26 08:47:31:05 AND FOR HAVING
 THE BAD JUDGMENT
 976 08:47:31:07 08:47:35:04 OF PROCEEDING IN THE RESOLUTION
 OF THE NERVOUS NELLIE MEMO
 977 08:47:35:06 08:47:36:20 IN THAT WAY,
 978 08:47:36:22 08:47:39:28 AND I WILL GIVE
 MR. NEAL A RAISE.
 979 08:47:40:00 08:47:42:29 I LIKE THE WAY
 HE'S HANDLED IT.
 980 08:47:43:01 08:47:46:18 HE SHOULD HAVE
 FORCED THE ISSUE INITIALLY
 981 08:47:46:20 08:47:50:09 SO THAT WE SHOULD HAVE
 SETTLED IT AT THE BEGINNING,
 982 08:47:50:11 08:47:53:29 WHILE IN THE MEANTIME,
 WE WERE CORRECTING THE PRODUCT.
 983 08:47:54:01 08:47:56:00 I THINK THE OUTCOME
 984 08:47:56:02 08:47:58:15 JUSTIFIES THAT KIND
 OF A PROCEDURE.
 985 08:47:58:17 08:48:01:19 THE PRODUCT MAY STILL
 BE PERFECTLY GOOD.
 986 08:48:01:21 08:48:04:01 WE'VE JUST GOT
 ONE LITTLE LAWSUIT.
 987 08:48:04:03 08:48:07:16 IT'S TRUE
 I POPPED OFF
 IN THIS MEMO
 988 08:48:07:18 08:48:12:02 IN A WAY I'LL NEVER
 GET WRONG AGAIN.
 989 08:48:12:04 08:48:14:03 YOU WON'T
 HAVE A CHANCE.
 990 08:48:14:05 08:48:15:15 MR. BANKS?
 991 08:48:15:17 08:48:18:00 THE PRODUCT
 MAY NOT BE DEFECTIVE.
 992 08:48:18:02 08:48:20:09 THE PRODUCT
 MAY BE WORKING WELL.
 993 08:48:20:11 08:48:22:20 IT'S JUST
 YOUR BAD JUDGMENT,
 994 08:48:22:22 08:48:25:05 AND YET
 THE CIRCUMSTANCES ARE SUCH
 995 08:48:25:07 08:48:28:14 THAT YOU KNOW
 YOU'LL LOSE BIG IN THIS CASE.
 996 08:48:28:16 08:48:30:26 I DON'T SEE
 THE PUBLIC INTEREST.
 997 08:48:30:28 08:48:34:12 I DON'T UNDERSTAND
 IF IT'S ONLY ONE BAD PRODUCT
 998 08:48:34:14 08:48:36:22 AND ONE BIG LAWSUIT,
 999 08:48:36:24 08:48:39:28 WHY THAT SHOULD BE A MATTER
 OF PUBLIC RECORD.
 1000 08:48:40:00 08:48:42:27 THE CORPORATION
 HAS TO FIX ITS PROBLEM.
 1001 08:48:42:29 08:48:47:12 THERE ARE OTHER FORCES
 THAT MAKE IT FIX ITS PROBLEM.
 1002 08:48:47:14 08:48:49:17 IF IT BECOMES WELL-KNOWN
 1003 08:48:49:19 08:48:51:23 THAT A PLAINTIFF
 RECOVERED \$6 MILLION,
 1004 08:48:51:25 08:48:55:00 YOU'LL GET FLOODED
 WITH LAWSUITS.

1005	08:48:55:02	08:48:57:29	JUDGE PATEL, WILL YOU AGREE TO THE CONFIDENTIALITY?
1006	08:48:58:01	08:49:01:08	THEY MAY AGREE TO WHATEVER THEY WANT TO DO,
1007	08:49:01:10	08:49:03:19	BUT I WON'T SIGN THE ORDER.
1008	08:49:03:21	08:49:07:02	THIS IS NOT PRIVATE LITIGATION, IN MY VIEW,
1009	08:49:07:04	08:49:09:16	BUT LITIGATION BETWEEN PRIVATE PARTIES
1010	08:49:09:18	08:49:11:26	IN A PUBLIC FORUM.
1011	08:49:11:28	08:49:15:23	I DON'T SEE MY JOB AS PRESIDING OVER A COURT
1012	08:49:15:25	08:49:17:12	IN THAT PUBLIC FORUM
1013	08:49:17:14	08:49:20:12	TO ALLOW THEM TO ENTER INTO SECRET AGREEMENTS.
1014	08:49:20:14	08:49:24:12	IF THEY WANT TO DO THAT ON THEIR OWN, THAT'S FINE.
1015	08:49:24:14	08:49:26:06	THERE'S ANOTHER PROBLEM.
1016	08:49:26:08	08:49:29:05	I MAY LATER BE ASKED TO ENFORCE THAT.
1017	08:49:29:07	08:49:31:04	IT'S A COURT ORDER.
1018	08:49:31:06	08:49:32:20	SOMEONE VIOLATES IT,
1019	08:49:32:22	08:49:36:09	THEY ASK FOR A CONTEMPT AGAINST A CERTAIN PERSON.
1020	08:49:36:11	08:49:39:10	HALF THE PLAINTIFF'S BAR MAY KNOW ABOUT IT.
1021	08:49:39:12	08:49:41:24	THAT ORDER IS ESSENTIALLY UNENFORCEABLE,
1022	08:49:41:26	08:49:44:05	SO, NO, I WON'T SIGN IT.
1023	08:49:44:07	08:49:45:25	WHAT IF THE SETTLEMENT
1024	08:49:45:27	08:49:48:11	TURNS ON YOUR AGREEING TO IT?
1025	08:49:48:13	08:49:51:16	SO BE IT. I WILL NOT SIGN.
1026	08:49:51:18	08:49:53:24	IF THE PLAINTIFF GETS NOTHING
1027	08:49:53:26	08:49:56:09	AND SAYS, "IF ONLY SHE'D SIGNED IT,
1028	08:49:56:11	08:49:57:29	I'D HAVE \$6 MILLION"?
1029	08:49:58:01	08:50:01:11	IT GOES TO TRIAL. THE JURY DECIDES.
1030	08:50:01:13	08:50:03:11	IT'S NOT MY JOB
1031	08:50:03:13	08:50:07:10	TO LOOK OUT FOR THE INTERESTS OF EITHER SIDE,
1032	08:50:07:12	08:50:10:16	BUT FOR THE INTEGRITY OF THE WHOLE SYSTEM.
1033	08:50:10:18	08:50:12:24	MR. MAYNARD, WILL YOU FIND OUT
1034	08:50:12:26	08:50:14:14	THE SETTLEMENT FIGURE?
1035	08:50:14:16	08:50:16:26	IF OUR REPORTER COVERING THAT COURTHOUSE
1036	08:50:16:28	08:50:21:28	DOES NOT HAVE WITHIN 24 HOURS THE DETAILS OF THAT SETTLEMENT,
1037	08:50:22:00	08:50:25:11	I'LL PUT SOMEBODY ELSE

1038 08:50:25:13 ON THAT BEAT.
 08:50:28:15 WHO WILL
 YOUR REPORTER
 FIND IT OUT FROM?
 1039 08:50:28:17 08:50:30:08 FROM ALL THE BLABBERMOUTHS
 1040 08:50:30:10 08:50:32:24 THAT EXIST
 IN THE LEGAL COMMUNITY,
 1041 08:50:32:26 08:50:35:09 WHICH IS SECOND
 ONLY TO JOURNALISM
 1042 08:50:35:11 08:50:39:02 IN THE DEGREE TO WHICH
 THERE ARE NO SECRETS.
 1043 08:50:39:04 08:50:42:17 ONE OF THE FACTS OF LIFE
 WITH WHICH WE LIVE
 1044 08:50:42:19 08:50:45:19 IS THAT
 OUR OPEN SOCIETY IS SUCH
 1045 08:50:45:21 08:50:50:03 THAT YOU CAN'T KEEP A LOT
 OF THINGS SECRET FOR VERY LONG.
 1046 08:50:50:05 08:50:53:09 AS A REPORTER,
 WHERE WOULD YOU
 GET THE STORY?
 1047 08:50:53:11 08:50:56:09 WELL, THERE ARE AT LEAST
 THREE IMMEDIATE SOURCES
 1048 08:50:56:11 08:50:58:03 THAT COME TO MIND--
 1049 08:50:58:05 08:50:59:25 THE OPPOSING COUNSEL,
 1050 08:50:59:27 08:51:03:13 ONE OF WHOM MAY,
 FOR MACHISMO OR OTHER REASONS,
 1051 08:51:03:15 08:51:05:04 WANT ME TO KNOW.
 1052 08:51:05:06 08:51:08:10 YOU THINK MR. CHESLEY
 WOULD LIKE YOU TO KNOW?
 1053 08:51:08:12 08:51:13:09 WELL, I WOULDN'T WANT TO
 PUT IT PRECISELY ON MR. CHESLEY,
 1054 08:51:13:11 08:51:16:07 BUT IT HAS
 BEEN KNOWN TO HAPPEN
 1055 08:51:16:09 08:51:19:08 THAT AFTER A COMPLICATED
 BIT OF LITIGATION,
 1056 08:51:19:10 08:51:21:18 A LAWYER AND A JOURNALIST
 1057 08:51:21:20 08:51:24:24 MIGHT REPAIR
 TO A NEARBY WATERING HOLE,
 1058 08:51:24:26 08:51:29:08 AND IN THE COURSE OF DISCUSSING
 ALL THE MATTERS THAT WENT ON,
 1059 08:51:29:10 08:51:34:00 CERTAIN DETAILS THAT MIGHT NOT
 PREVIOUSLY HAVE BEEN DISCLOSED
 1060 08:51:34:02 08:51:36:19 MAY EMERGE
 WITHIN THE BALLPARK.
 1061 08:51:36:21 08:51:38:24 THAT IS TO SAY,
 1062 08:51:38:26 08:51:42:09 IT WASN'T 5 1/2,
 AND IT WASN'T 6 1/2.
 1063 08:51:42:11 08:51:43:18 THAT'S EXACTLY RIGHT.
 1064 08:51:43:20 08:51:46:10 MR. CHESLEY,
 YOU HAVE AN ENORMOUS
 SELF-INTEREST
 1065 08:51:46:12 08:51:49:14 IN HAVING THE AMOUNT
 OF THIS JUDGMENT
 COME OUT.
 1066 08:51:49:16 08:51:51:23 I HAVE A SELF-INTEREST,
 1067 08:51:51:25 08:51:54:24 BUT I'VE KEPT THEM CONFIDENTIAL

1068	08:51:54:26	BECAUSE IT JEOPARDIZES 08:51:57:09 MY CLIENT'S RIGHT TO THE RECOVERY.
1069	08:51:57:11	08:52:01:03 I HAVE BEEN INVOLVED IN WHICH SANCTIONS CAN BE IMPOSED
1070	08:52:01:05	08:52:03:23 IN VARIOUS COURTS FOR RELEASING CONFIDENTIALITY.
1071	08:52:03:25	08:52:05:17 YOU WOULD NEVER TELL.
1072	08:52:05:19	08:52:07:15 I WOULD NOT.
1073	08:52:07:17	08:52:09:03 MR. COTCHETT, YOU LAUGH.
1074	08:52:09:05	08:52:10:29 THAT'S ALL NONSENSE.
1075	08:52:11:01	08:52:13:28 THAT WILL HAPPEN IN THE WATERING HOLE,
1076	08:52:14:00	08:52:16:29 BUT IT WILL BE, "THE ANSWER IS 6."
1077	08:52:17:01	08:52:19:16 THAT'S WHAT'S GOING TO HAPPEN.
1078	08:52:19:18	08:52:22:23 IF IT DOESN'T HAPPEN OVER ONE SCOTCH AND WATER,
1079	08:52:22:25	08:52:27:11 HE'S GOING TO GO TALK TO THE CLERK OF THE COURT,
1080	08:52:27:13	08:52:29:20 THE CLERK THAT SEALED THAT RECORD.
1081	08:52:29:22	08:52:31:27 AS BOB SAYS, THERE'S 100 VOICES
1082	08:52:31:29	08:52:34:20 THAT WILL TALK ABOUT THAT.
1083	08:52:34:22	08:52:37:12 WOULD YOU TALK TO JUDGE MERHIGE?
1084	08:52:37:14	08:52:38:27 NO.
1085	08:52:38:29	08:52:40:27 HA HA HA!
1086	08:52:40:29	08:52:44:21 NO, NO, NO, NO, NO.
1087	08:52:44:23	08:52:49:01 THE ONE PLACE YOU DO NOT GO FOR THE INSIDE STORY
1088	08:52:49:03	08:52:52:00 IS TO THE JUDGE WHO TRIED THE CASE,
1089	08:52:52:02	08:52:55:26 UNLESS, OF COURSE, YOU KNOW THINGS ABOUT THAT JUDGE
1090	08:52:55:28	08:52:57:27 THAT YOU SHOULDN'T KNOW,
1091	08:52:57:29	08:53:00:05 AND THAT HAPPENS.
1092	08:53:00:07	08:53:03:24 YOU DON'T KNOW ANYTHING LIKE THAT ABOUT HIM.
1093	08:53:03:26	08:53:08:00 NOTHING THAT I WOULD BE PREPARED TO DISCLOSE HERE.
1094	08:53:08:02	08:53:10:05 JUSTICE SCALIA,
1095	08:53:10:07	08:53:15:19 WE HAVE BEEN THROUGH A LAWYER'S STORY
1096	08:53:15:21	08:53:18:22 IN AN EXERCISE THAT WAS MEANT TO EXPLORE
1097	08:53:18:24	08:53:21:01 TRUTH AND ETHICS.
1098	08:53:21:03	08:53:23:01 WE HAVEN'T HEARD
1099	08:53:23:03	08:53:26:02 A WHOLE LOT OF TRUTH,

1100	08:53:26:04	08:53:29:19	AND WE HAVEN'T HEARD A WHOLE LOT OF ETHICS.
1101	08:53:29:21	08:53:31:21	NOW, LET ME ASK YOU.
1102	08:53:31:23	08:53:34:25	IS THIS SYSTEM THAT WE'RE PLAYING WITH HERE
1103	08:53:34:27	08:53:38:28	ONE THAT SIMPLY PUTS LAWYERS INTO ROLES
1104	08:53:39:00	08:53:41:05	THAT OTHER PEOPLE COULDN'T STAND,
1105	08:53:41:07	08:53:44:05	THAT WOULD BE IMMORAL FOR A REGULAR CITIZEN?
1106	08:53:44:07	08:53:46:19	ARE THEY PUT INTO ROLES?
1107	08:53:46:21	08:53:49:04	OF COURSE THEY'RE PUT INTO ROLES.
1108	08:53:49:06	08:53:52:09	THAT'S A VERY GOOD WORD
1109	08:53:52:11	08:53:55:14	FOR WHAT THE COMMON LAW ADVERSARY TRIAL IS,
1110	08:53:55:16	08:53:57:09	THAT IS, A PLAY.
1111	08:53:57:11	08:54:01:12	OTHER SYSTEMS DON'T WORK THAT WAY.
1112	08:54:01:14	08:54:03:25	IN THE CIVIL LAW SYSTEM,
1113	08:54:03:27	08:54:06:10	YOU DON'T HAVE THE THREE UNITIES
1114	08:54:06:12	08:54:09:18	THAT THE WHOLE THING TAKES PLACE ON ONE DAY.
1115	08:54:09:20	08:54:12:00	YOU'LL HAVE A CIVIL CASE
1116	08:54:12:02	08:54:14:08	INVESTIGATED BY AN INVESTIGATING JUDGE
1117	08:54:14:10	08:54:15:24	OVER MONTHS.
1118	08:54:15:26	08:54:18:24	HE'LL HEAR ONE WITNESS ONE DAY, AND SO FORTH.
1119	08:54:18:26	08:54:21:03	WE DO IT AS A DRAMA,
1120	08:54:21:05	08:54:24:15	AND THE LAWYERS FOR BOTH SIDES DO PLAY ROLES.
1121	08:54:24:17	08:54:28:03	IT'S THE SYSTEM WE'VE HAD FOR HUNDREDS OF YEARS.
1122	08:54:28:05	08:54:30:13	I THINK IT WORKS WELL.
1123	08:54:30:15	08:54:32:28	WHAT WE'VE BEEN TALKING ABOUT TODAY
1124	08:54:33:00	08:54:35:12	ARE LARGELY QUESTIONS AT THE MARGIN.
1125	08:54:35:14	08:54:38:25	I THINK YOU CAN MAKE ANY SYSTEM LOOK BAD
1126	08:54:38:27	08:54:42:08	IF YOU PICK A PARTICULAR HYPOTHETICAL.
1127	08:54:42:10	08:54:45:18	I THINK IT DOES WORK TO HAVE EACH SIDE
1128	08:54:45:20	08:54:49:03	TAKE THE BEST SHOT AT PRESENTING THE TRUTH
1129	08:54:49:05	08:54:51:02	IN FAVOR OF THEIR CASE,
1130	08:54:51:04	08:54:53:06	AND LET THE JURY DECIDE.
1131	08:54:53:08	08:54:55:17	THE TRUTH IS A FUNNY CONCEPT.
1132	08:54:55:19	08:54:57:26	BUT CONSIDER THE ALTERNATIVE.
1133	08:54:57:28	08:55:00:28	DO YOU PUT THE WITNESS ON THE STAND

1134	08:55:01:00	08:55:05:18	AND LET THE LAWYER ASK AS BROAD
			AND UNSKILLED A QUESTION
1135	08:55:05:20	08:55:09:15	AS "TELL ME EVERYTHING RELEVANT
			ABOUT THIS CASE."
1136	08:55:09:17	08:55:11:27	"TELL ME WHETHER
			YOU WERE NEGLIGENT."
1137	08:55:11:29	08:55:15:28	THE ONLY ALTERNATIVE IS TO GO
			TO THE INQUISITORIAL SYSTEM
1138	08:55:16:00	08:55:18:18	AND HAVE
			AN INVESTIGATING JUDGE.
1139	08:55:18:20	08:55:20:27	THEN YOU'LL WIN OR LOSE
1140	08:55:20:29	08:55:23:27	DEPENDING ON
			HOW GOOD A JUDGE YOU HAVE.
1141	08:55:23:29	08:55:26:27	AT LEAST
			WHEN YOU PICK A BAD LAWYER,
1142	08:55:26:29	08:55:29:09	YOU KNOW IT'S YOUR FAULT.
1143	08:55:29:11	08:55:31:21	MR. NEAL,
			YOUR EXPRESSION
			SPEAKS VOLUMES.
1144	08:55:31:23	08:55:34:15	I DON'T WANT TO
			BE IN A POSITION
1145	08:55:34:17	08:55:36:29	THAT I SAY
			I'M SEEKING TRUTH.
1146	08:55:37:01	08:55:38:15	THE ADVERSARY SYSTEM
1147	08:55:38:17	08:55:40:15	ISN'T CALCULATED
			TO PRODUCE TRUTH.
1148	08:55:40:17	08:55:43:25	IT CALCULATED TO PRODUCE JUSTICE
			IN THE CRIMINAL SENSE.
1149	08:55:43:27	08:55:47:10	JUSTICE IS
			DIFFERENT FROM TRUTH.
1150	08:55:47:12	08:55:49:13	LET'S SAY JUSTICE--
1151	08:55:49:15	08:55:53:26	WIND UP THIS DISPUTE.
			LET'S GO ON TO THE NEXT DISPUTE.
1152	08:55:53:28	08:55:58:01	WE HAVE TO REMEMBER THE LAW
			OF UNINTENDED CONSEQUENCES,
1153	08:55:58:03	08:56:01:01	AND IF WE TRY
			TO CREATE A SYSTEM
1154	08:56:01:03	08:56:04:00	THAT IS MORE SENSITIVE
			TO TRUTH AND JUSTICE,
1155	08:56:04:02	08:56:07:00	IT MIGHT BE GOOD IN SOME WAYS,
1156	08:56:07:02	08:56:10:16	BUT BAD IN SOME WAYS
			THAT OURS IS NOT.
1157	08:56:10:18	08:56:13:20	WHEN LIVES AND FORTUNES
			HANG IN THE BALANCE,
1158	08:56:13:22	08:56:16:21	WHEN WE SEE A SOCIETY
			DEPEND SO COMPLETELY
1159	08:56:16:23	08:56:19:21	ON THE COURTS
			TO RESOLVE OUR GRIEVANCES,
1160	08:56:19:23	08:56:22:21	THE ETHICS AND ATTITUDES
			OF LAWYERS AND JUDGES
1161	08:56:22:23	08:56:25:20	ARE OF VITAL IMPORTANCE
			TO EACH OF US.
1162	08:56:25:22	08:56:27:16	IS THE COURTROOM TRUTH
1163	08:56:27:18	08:56:31:12	THE TRUTH, THE WHOLE TRUTH,
			AND NOTHING BUT THE TRUTH,
1164	08:56:31:14	08:56:33:14	SO HELP US, GOD?

1165	08:56:33:16	08:56:36:14	ARE RIGHTS AND ETHICS NECESSARILY SYNONOMOUS?
1166	08:56:36:16	08:56:39:08	NEXT WEEK ON <i>ETHICS IN AMERICA</i> ,
1167	08:56:39:10	08:56:42:09	WE LOOK AT THE ETHICS OF MEDICAL RESEARCH.
1168	08:56:42:11	08:56:45:09	THE STRUGGLE TO TREAT A DEADLY DISEASE
1169	08:56:45:11	08:56:48:08	CAN BE A LONG AND DIFFICULT PROCESS
1170	08:56:48:10	08:56:51:15	OF HELP FOR SOME AND HARM FOR OTHERS.
1171	08:56:51:17	08:56:55:25	JOIN US NEXT WEEK FOR <i>THE HUMAN EXPERIMENT</i> .
1172	08:57:16:06	08:57:18:15	CAPTIONING MADE POSSIBLE BY THE ANNENBERG/CPB PROJECT
1173	08:57:18:17	08:57:20:14	CAPTIONING PERFORMED BY THE NATIONAL CAPTIONING INSTITUTE, INC.
1174	08:57:20:16	08:57:22:14	CAPTIONS COPYRIGHT 1989 THE TRUSTEES OF COLUMBIA UNIVERSITY
1175	08:57:22:16	08:57:24:13	IN THE CITY OF NEW YORK