

## Clinton Must Answer Disciplinary Complaints

BY LAZAR EMANUEL

A story on page A10 of THE NEW YORK TIMES on Saturday March 18 reported that the Committee on Professional Conduct of the Supreme Court of Arkansas had rejected a request by the lawyers for President Bill Clinton to postpone the Committee's inquiry into Mr. Clinton's fitness to continue as a member of the Arkansas bar.

The President's lawyers argued that the inquiry should be postponed until he leaves office. But Ken Reeves, the Committee Chairman, fixed April 21 as the date for filing a response to two disciplinary complaints against Mr. Clinton.

The first complaint was filed by the Southeastern Legal Foundation and the second by Judge Susan Weber Wright, who heard the lawsuit brought against Mr. Clinton by Paula Jones. Judge Wright had ruled that the President was in civil contempt of court when he denied during the trial that he had had a sexual relationship with Monica Lewinsky and that he had subverted the rule of law by impeding access by the plaintiff to information in his possession.

### Article By Hal Lieberman

In the November 1998 edition of NYPRR, Hal Lieberman, formerly Chief Counsel to the Departmental Disciplinary Committee, First Department, speculated on the course the Clinton inquiry might take if it were conducted in New York and Clinton were a member of the New York bar.

Mr. Lieberman noted:

"...the investigation would most likely be initiated by a formal complaint or be commenced *sua sponte* and would entail investigative and prosecutorial protocols that are akin to any normal investigation of a serious case involving perjury and/or obstruction of justice."

He noted further:

" .... New York's Judiciary Law §904(e) mandates either automatic disbarment, if the conviction is for a federal felony that has a New York analogue..., or the triggering of a "serious crime" proceeding, if the conviction is for a non-New York analogue felony or falls into one of the designated categories of offenses constituting "serious crimes" for purposes of the New York statute (see Judiciary Law §90(4)(d)). Perjury, witness tampering and obstruction of justice are among the categories of offenses that are likely to constitute analogue New York felonies resulting in automatic disbarment..."

Of course, Mr. Clinton was never convicted of any crime, but the rulings by Judge Wright certainly define acts which would require careful scrutiny if considered by a disciplinary committee in New York.

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