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Legal mystery goes beyond the 'murder' label



By **Stacey L. Gordon**, Reference/Acquisitions librarian
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"The Emperor of Ocean Park," by Stephen L. Carter (Alfred A. Knopf 2002).

I lay in bed reading into the early hours of this morning because I got to the point in "The Emperor of Ocean Park" where I just could not wait any longer to know the answers to the mysteries.

Really, I needed to know if I had pieced together any of the pieces right. I had not, at least not any of the important pieces. I trusted all the people I should not have trusted, and distrusted all the people I should have trusted.

This all was completely out of character for me, first, because I am a morning person and rarely stay up late, and second, because I do not like murder mysteries, and, in fact, work hard to avoid media violence. (The part about whom I tend to trust is better left alone.)

"The Emperor of Ocean Park" is a murder mystery at its core; I even had to close my eyes and skip a couple of paragraphs. However, the basic plot — a son trying to find the answers behind his father's death — is so intricately developed, it moves beyond its "murder mystery" label and becomes a story we can mostly believe.

The issues are very real: family and marital relationships, race relations, academic politics (specifically law school politics), philosophy, religion, legal ethics. The legal and political environments are very real also, but removed enough even from most lawyers to be a bit enigmatic: the United States Supreme Court, the appointment of federal judges, the secrecy of the FBI.

This book is so finely written I could see the movie as I read. It will make a fantastic movie, but do not wait to see it; the finer details of the book will get lost on the screen and you will miss much of the smartness and some of the opportunity to solve the mystery yourself. ○

LETTERS

Illinois dismantled the Twilight Zone

When I received my latest issue of *The Montana Lawyer*, I read with interest Betsy Brandborg's article on the "Twilight Zone" created by Rule 8.3 and Andy Suenram's comments in his President's Message. The Supreme Court of Illinois took Rule 8.3 out of the twilight zone when it disciplined attorney James H. Himmel by reason of his failure to report the misconduct of another attorney. See *In re James H. Himmel*, 125 Ill.2d 531, 533 N.E.2d 790 (Ill. 1989)

In *Himmel*, Tammy Forsberg retained attorney John Casey to represent her in a personal injury action. Pursuant to a contingency agreement executed between Forsberg and Casey, Casey was to receive one-third of any

settlement or verdict he obtained in Forsberg's favor. Casey subsequently obtained a \$35,000 settlement for Forsberg, but Casey converted the entire \$35,000 for his own use and never forwarded any amount of the settlement to Forsberg. After unsuccessful attempts to get her money from Casey, Forsberg retained attorney James Himmel to help Forsberg recover her share of the personal injury settlement from Casey.

In the course of representing Forsberg, Himmel learned that Casey had illegally converted Forsberg's settlement funds. Forsberg, represented by Himmel, then entered into a settlement with Casey, whereby Casey promised to pay Forsberg \$75,000 in

return for Forsberg's pledge not to bring any legal action against Casey arising out of his conversion of Forsberg's money.

Additionally, Forsberg instructed Himmel not to report Casey's professional misconduct to the ARDC (Attorneys' Registration and Disciplinary Commission).

Casey's unethical behavior was eventually revealed, and the ARDC prosecuted Himmel for violation of a prior version of Rule 8.3(a) which imposed on Illinois lawyers an affirmative obligation to report unprivileged knowledge of another lawyer's fraudulent or deceitful conduct to the proper authorities.

The Supreme Court affirmed the ARDC's determination that Himmel should be publicly disciplined for failing to report Casey's misconduct to