



OHIO
ASSOCIATION for
JUSTICE
TRIAL LAWYERS HELPING PEOPLE

2016 Annual Convention

Plenary Session

The Last Resistance: Plaintiff Lawyers in the 21st Century

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Zealous Advocacy: Lord Henry Brougham



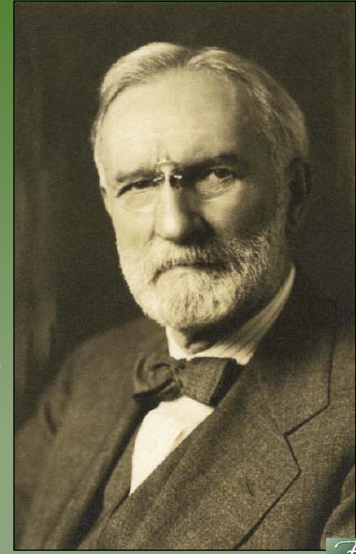
[A]n advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, amongst them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of the consequences, though it should be his unhappy fate to involve his country in confusion.



Justice George Sutherland

He may prosecute with earnestness and vigor—indeed he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. *It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.*

Justice George Sutherland, *Berger v. United States*,
295 U.S. 78, 88 (1935) (emphasis added)



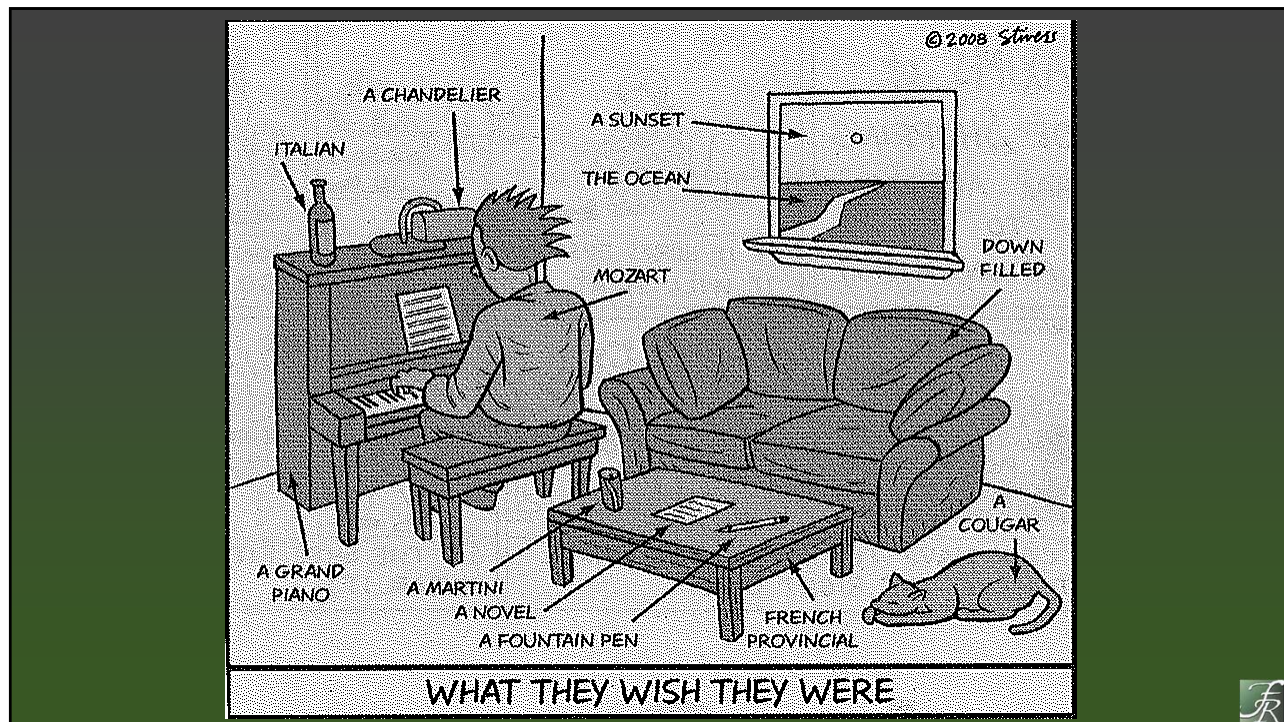
ABA Standards for Criminal Justice, Prosecution Function, Standard 3-1.1
(3rd Ed. 1993):

**“The duty of the prosecutor is to seek justice,
not merely to convict.”**

And in the process, “hard blows, not foul.”

**Defense—any and all legal means
to achieve client’s goal.**





Email from Jim McComas
author of *Dynamic Cross-examination*

“The sincerity of a true heart is the only requirement of effective advocacy. No one wants to know that, because a true heart is so much harder to acquire than a few advocacy techniques.”