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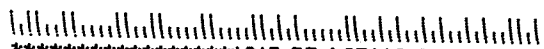
The Magazine of Illinois Lawyers



Problem-Solving Courts

The rise of drug, mental-health, and other therapeutic courts

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The Lawyer of Love

Chicago divorce lawyer Corri Fetman offers advice in – and poses for – *Playboy*.

Chicago lawyer Corri Fetman is definitely *not* your grandfather's lawyer – except maybe in his lustier dreams.

Joe from South Bend

On January 11, 2008, Fetman and *Playboy* magazine issued press releases notifying readers of a new feature in the magazine: Fetman now writes a monthly legal advice column for *Playboy's* print and online editions entitled "The Lawyer Of Love." A click or two away from the online column are *Playboy*-style revealing photos of Fetman.

In her column, Fetman provides sound, no-nonsense advice, both legal and personal. In response to a query from a married man whose mistress threatened to tell his wife about their affair and resulting pregnancy unless he agreed to pay her a certain amount of money, Fetman wrote, "Take your wife on a romantic Italian Riviera trip as soon as possible...[A]t the end of the trip (why waste a great vacation if she flips out), tell her what transpired and ask for forgiveness. If you love your wife, do whatever it takes to grovel and show how badly you feel."

But some of Fetman's advice rubbed some lawyers the wrong way. In response to a call for members' views on ISBA's Family Law discussion group, Chicago lawyer Annemarie Kill, whose practice includes family law and employment law, focused on the following question and answer from Fetman's inaugural column, posted January 11, 2008.

Joe, South Bend IN:

How do I find a good divorce lawyer?

The Lawyer of Love:

Joe, Locate the most miserable divorced guy you know who lives in a rat hole because he is supporting his ex-wife and family. Ask Mr. Misery the name of the attorney who represented his wife and call that attorney. Even if you do not like this attorney, it may prevent your wife from hiring or meeting with this attorney. By engaging in an initial consultation and paying a consultation fee, you have prevented the attorney (and the law firm) from representing your spouse.

"We hear about attorney shopping so that a client can 'conflict-out' potential attorneys," Kill said. "I would like to have faith in my colleagues, and hope that none of us privately counsel clients to do this. It is a manipulation of the system, and deprives a person of his or her choice of counsel."

Former ARDC administrator Mary Robinson and Executive Director Cheryl Niro of the Commission on Professionalism of the Illinois Supreme Court shared Kill's views. Said Robinson, "It's clear: if a lawyer talks with a prospective client, he will be conflicted out if he receives any confidential information [under RPCs 1.9 and 1.10]. I don't know how you can guard against that in an initial divorce interview."

For a lawyer to advise a client to do this with no object other than creating a conflict for the other lawyer, Robinson said, would be "slimy. It's like advising someone to defraud a lawyer."

But Fetman, Robinson pointed out, did *not* advise a client to do this. Rather, she wrote an advice column directed to readers of a magazine suggesting a reasonable method of finding a

lawyer, and including the factually correct observation that if the questioner decided not to hire that lawyer after the initial consultation, the questioner's wife might be prevented from retaining that lawyer herself. It's difficult, Robinson suggests, if not impossible, to find any clear-cut ethical violation on Fetman's part in so doing.

Like "a cocktail party conversation"

To consider whether a lawyer's words present an ethical problem, "We have to pay attention to the context," Robinson believes. In her view, an advice column "is like cocktail party conversation." Who among us, Robinson asks, has not tossed off some remarks on some social occasion that we might not consider appropriate to provide to clients in our offices? "People have to understand that this advice is generic and glib."

And what if Fetman had written an article for the *Illinois Bar Journal*, or for a general newspaper, Robinson continues, presenting the same information but not advocating it as a course of action? Patently, for her to have done so would be perfectly appropriate and would present no issues whatsoever of ethics or professionalism, Robinson believes.

Moreover, she adds, Fetman's speech is protected by the First Amendment. For Robinson, then, Fetman's answer to Joe in South Bend presents a harder question of professionalism than of ethics.

For Niro, conduct that is merely unprofessional falls into "the gap that exists between what our ideal standards are and what we get disciplined for."

