

**Sunday, January 26, 2014**

**8:30 a.m. – 11:45 a.m.**

**Breakfast Ethics**

**3.0 MCLE Credit Hours; 3.0 LEPR Credit Hours**

**The Legacy of Watergate**  
**Ethics of Representing an Entity Under the Current Model Rules**

**John W. Dean**  
*Beverly Hills, California*

**James D. Robenalt**  
*Cleveland, Ohio*

Mr. Dean and Mr. Robenalt introduce Watergate, the chronology of events, and John Dean's role. The program then shifts to events that followed Mr. Dean's testimony in June 1973 before the Senate Select Committee. As a direct result of Mr. Dean's testimony about how so many lawyers became entangled in scandal, the American Bar Association formed the Kutak Commission, which drafted the Model Rules of Professional Responsibility. These new rules include "report up" and "report out" obligations when a lawyer represents an organization as client (whether corporate, governmental, or an association). It took more than 30 years for these suggested new rules to be fully adopted by the states. The model rules are one of the enduring legacies of Watergate. Thus, the first hour ties the events of Watergate to a major change in legal ethics while providing an engrossing look into a major event in presidential history.

In the second hour of the seminar, the speakers tell the story of the discovery of the Nixon Tapes and the White House recording system. Again, Mr. Dean's testimony provided clues that led investigators to uncover the existence of the taping system. The legal fight for the tapes that ensues eventually results in the firing of Archibald Cox as special prosecutor and the so-called Saturday Night Massacre. A point of constitutional crisis is reached. Calls for impeachment resound throughout the nation and in the Congress. When the tapes are finally released, John Dean's testimony is fully corroborated. Richard Nixon is forced to resign—a singular event in American history.

The seminar then shifts focus to March 21, 1973. On this day, John Dean walked into the Oval Office to tell the president that there was a "cancer growing on the presidency." His talk was recorded. Mr. Dean and Mr. Robenalt break down the tape and play segments, as John Dean explains how the conversation actually progressed. Participants are given a front-row seat to one of the most important conversations ever in the Oval Office. The cancer warning is used to illustrate the example of a lawyer "reporting up" to management, including the highest authority, of ongoing crime discovered within the organization. Dean's attempts to end the cover-up fail and he ultimately "reports out," but the lessons of the need for clarity and firmness by a lawyer in a report-up situation with a difficult CEO are explored. The speakers also review what behavioral scientists have to say about the psychology of cover-ups. The analysis is new and surprising.

**Agenda**

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| 8:00 a.m.               | <b>Breakfast Begins</b>   |
| 8:30 a.m. – 9:30 a.m.   | <b>Introduction, Chronology, and the Events That Followed John Dean's June 1973 Testimony</b> |
| 9:30 a.m. – 10:30 a.m.  | <b>The Discovery of the Nixon Tapes and Its Aftermath</b>                                     |
| 10:30 a.m. – 10:45 a.m. | <b>Break</b>  |
| 10:45 a.m. – 11:45 a.m. | <b>A Cancer Grows</b>   |
| 11:45 a.m.              | <b>Adjourn</b>  |