Dear Jim, 11/24/74

In part I'm writing this to make a record. In part I think you should be aware of a few considerations in the event Bill speaks to you in Bud's absence. I recommend- but you do as you please if you think otherwise- that you do not raise any question with Bill unless you consider it necessary. If you read to where I leave an extra space, the ~~xxx~~ added things you should have in mind now will be covered.

If it becomes necessary I am prepared to go to both the judge and the bar on this question of Bud's performance. And I am without the slightest ~~doubt~~ that I can make at the very least a strong case of Bud's deliberate neglect of his client, exactly the special line the 6th circuit used on Sensational cases.

Our original agreement precluded this. I never expected any income from the agreement. Its purpose was to eliminate any such conflict and to be protective, that is, to see to it that Bud did not have someone like Flammonde as investigator.

My added proofs will go back to before his first appearance in the case, when he asked me to prepare his argument. If you have forgotten this, I did, and if you have forgotte, Judge Williams ordered a second hearing to cover what I'd told Bud to begin with and Bud left out. Between you and me, we did all the real work in this case, including the legal work before you took your bars.

With Bud away for fun when he was supposed to be preparing the hearing and doing the discovery and now away when the arguments are to be prepared, it will not be hard for the truth to be comprehensible.

Bill should understand because Bud's sick ego will permit him to understand nothing that it is more than personal outrage at personal treatment. It is not only that I began by giving Bud both his client and a better thanged case and then carried this far ahead. These and other considerations are true. Perhaps by themselves they would be enough. But there is much more. I've laid out enough to Bill but it is far from all. Whether Bill decides to try to straighten Bud out for however long it will last should be Bill's independent decision because if he is reluctant we'll confront the same situation again and before long and this has to be resolved.

Bud has, as a matter of fact, done nothing but wreck. Except quit and then come in only long enough to wreck.

As I look back on the hearing without checking records, I can't think of a single witness for whom he was responsible. By this I mean from deciding to call the witness to preparing to question him. Even the technical expert, who he knew and I did not. I decided the evidence we needed, McD agreed as we discussed it walking to his examination of it, and we jointly prepared the testimony that night in my room where from my files I produced what else we needed. This is the stuff Bud refused to get. Although McD was known to Bud and not to me, the tape I gave you will show that McD wanted me to call another and I decided we wanted him.

Bill was here when we made the first decision on the witnesses. I still have the copy of the list I made before they arrived. Bud didn't even know who to call or for ~~xxx~~ what and Bill knows it. Bill knows the strategic decisions made and that they also were my ideas with which first Bill and then both agreed. The record will show this was not done and it surely shows it was right and not doing it was wrong. And this gets into negligence again. It was not done for reasons that are in Bud's mind because he did Not discuss any of this, but the most obvious reason is that Bud did not prepare or was afraid or both. That it had to be done, that the decision and the thought were correct, your closing argument will make clear and will have to work around this deficiency.

If I have to argue neglect I'll even have Haile for support. And I do not want you to give Bud a copy of the letter in which he points out that counsel usually do these things. You can tell Bill but don't give it to him. Tactical reasons only. Let it sink in on Bill that the evidence -he knows enough-is this overwhelming.

There is a point I did not spell out to Bill in telling him to ask you about the cases you are handling for me that you have to neglect because Bud is neglecting his responsibilities. You have an airtight malpractise case against a lawyer. Bill should have no trouble understanding that with this having happened to me and with my being responsible for Bud's having this case I feel an even greater responsibility to this case

than I otherwise would and because of all the work I have done on it I'd feel enough without this personal experience with a negligent lawyer.

There is proof that Bud and I have an agreement and they'll seriously misjudge me if they think I'm not capable of using it. Even Bud's last wretched scrivenning is statute-stopping proof. He refused a legitimate payment under that agreement and I can prove all the earlier payments as well as the terms, which are recorded in earlier correspondence protesting earlier violations of this agreement.

In short, Bill should make a reading of his on not what I will do but on what if I decided I have to I can and will do. I would much prefer to do nothing and to feel that I do not have to do anything. As in the past, in this event, I'm prepared to preserve silence. My interest is in the case, not vengeance. I want success, not personal satisfaction. This means, in short, that as long as he stays in the case Bud will live up to the agreement in full. No more ego-indulgence, no more self-importance, no more self-promotion, etc. And no more decisions based on these wrong motives.

Now if he agrees to this it will mean only that Bud had again merely backed off. In itself that will not be enough because it will be prelude to the same kind of things happening again. Bud will again refuse to pay legitimate and necessary expenses and will again enforce wrong decisions. So I now want two more considerations. In effect they mean he has to eat some crow. To date I have not even asked this of him, having been content with his merely straightening himself out. It has not been enough because he just never straightens out for long. He'll go off playboying and have the same emotional and legal conflict and look for something else to blame it on.

What I want in addition is two things: your having more control over decisions, in effect veto; and his paying one of the necessary expenses I had that he has refused to pay, that of the pictures. If he refuses I'll add new demands, and they will be legit. Remember Connecticut? That took no time and cost me money, little as it was, but I'll be a tough bargainer only because we have to straighten this out without it becoming public. And it is another area of Bud's neglect where his sick ego not legal thinking dominated. I don't think you are aware of the full import of what was available, its relevance or who else would have helped. Perhaps you recall. But it was exceptional.

Bud's emptional involvement in this is now such that he can't be trusted to make decisions on his own and his decisions have never been trustworthy, with a court record to prove it. I'm not concerned with the appearance. I'm concerned with the realities. He can be chief counsel and bask in the lights so far as I am concerned but he can't continue to make unilateral wrong decisions. They have to be agreed decisions in which we are all involved. This last letter to Jimmy is an outrage particularly because a) there was no need for it and b) there is reason to believe that whether or not opened in Jimmy's presence there would be surveillance.

Nor will I again be humiliated by money considerations or even references to them. In the future my expenses will be paid in advance and I'll account for them after I spend them. My hat is not in hand to that self-important bastard. He owes me. I simply will not be put in this position again.

If there is no agreement on these conditions and under enforcable terms then the fat will be in the fire. But it is there right now anyway so we are no worse off. The difference is that Bud doesn't recognize how close the flame is and he'd best do it. I'm not going to just walk out and let him have control and risk his copping out, as I have every reason to believe he will. Or to just coast and not do the necessary now that the case has been fortified by the hearing and he can see enough for trial without further investigation or real work. This may be what he does see and what he does want and why he is suddenly uptight on money. I won't accept it quietly and regardless of what eventuates if it goes public, it will and he'll never live it down regardless of the ultimate outcome.

There was one particular part of our agreement that may not appear to have the meaning I intended. My work was, substantially, completed on the book but I insisted and he agreed that any literary rights be mine. I saw none, really, except those that without this agreement were already mine. My reason was to prevent misuse. You know I plan no more writing but there is still the probability of misuse, so I will enforce on this and there will be no Flammondery and the record shows Bud had it planned that way.

Best,