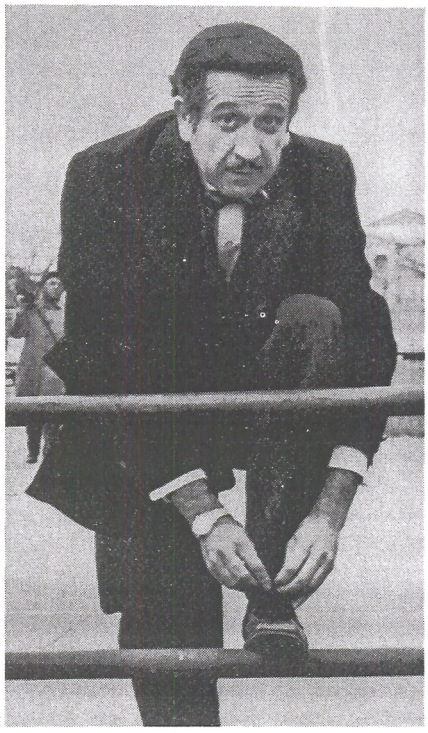
DON CARL STEFFEN

WILLIAM HUNDLEY



AP

HENRY ROTHBLATT

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The Lawyers' Lawyers

Just about everyone in Washington would like to stay as far away from the creeping tide of the Watergate scandal as possible. Everyone, that is, except the city's 10,000 lawyers. Attorneys in the capital—and a few from outside the city—are being drawn to the case like gulls to a fish fry. By one rough count, 40 private attorneys have so far been hired to work on civil and criminal matters related to Watergate. They could not ignore such mixed lures as a desire to be where the action is, a professional responsibility to provide representation, a fascination with the legal complexities, the potential for publicity, and not least, the probability of some sizable fees from well-heeled clients.

Since most of those involved as principals are themselves attorneys,* more than usual care went into their choice of lawyers. And while those lawyers do not run to a type—they range from unknowns to the very prominent—the roster of legal counselors may reflect what their clients may want them to accomplish.

▶ H.R. Haldeman and John Ehrlichman decided on John J. Wilson, 71, a well-established, first-rank Washington trial lawyer who won a libel suit five years ago for Barry Goldwater against Publisher Ralph Ginzburg. An avowedly conservative Republican, Wilson may well share any concern Haldeman and Ehrlichman have about protecting the presidency from unnecessary involvement.

▶ John Dean chose his former brother-in-law, Robert McCandless, 35. Dean and McCandless both married and divorced daughters of the late Democratic Senator Thomas Hennings, and McCandless has been a special counsel to the Democratic Party as well as a campaign aide to Hubert Humphrey. With that background McCandless would hardly shrink from a head-on attack against the Republican Administration. He is currently said to be concentrating on persuading federal prosecutors to grant Dean full immunity in return for his testimony about the involvement of others.

▶ Charles Colson, a former special counsel to the President, seems the most aggressively determined of all to demonstrate that he had no connection with Watergate; his attorney, David Shapiro, 44, is also his law partner in a rapidly growing new firm whose promising future could be severely compromised. In some ways, Shapiro has almost as much to lose as Colson. Thus the Colson defense tactics have been designed to ward off even the implication of involvement, using a carefully prepared battle plan including a lie-detector test to bolster Colson's claim of innocence, willing cooperation with investigators and leaks by Colson to the press.

Inevitably, there have been some strange interconnections. John Mitchell, for example, has hired William Hundley, a respected specialist in criminal law who is also a weekly golfing partner and close friend of Henry Petersen, the Assistant Attorney General who has had the responsibility for the Watergate investigation. The fact that Petersen was also an especially valued aide to Mitchell when he was Attorney General does not help to clear the muddy waters.

Washington Trial Attorney Edward Bennett Williams was originally retained to handle the Democrats' civil damage suit against the Committee for the Re-Election of the President. But Williams has also long represented the Washington *Post*. When it became clear that the Democrats might favor calling *Post* reporters as witnesses, Williams withdrew from the case because of a possible conflict of interest. He soon picked up a new client, however: Robert Vesco, whose various legal problems caused C.R.P. to return his $200,000 cash contribution.

Uncommon Cash. There was a conflict of a different kind when another Williams client, Teamsters Union President Frank Fitzsimmons, voiced dismay over Williams' zealous prosecution of the Democrats' case. Williams told him, "Back in the '40s, our other clients attempted to force us to drop the Teamsters as a client, and we made a rule that no client could influence our work for others. That rule was established for your benefit then, and it applies to you now." Fitzsimmons was unmollified, and he pulled the Teamsters account, which is worth more than $100,000 a year. The union's new law firm: Colson and Shapiro.

An uncommon amount of cash has floated in on nearly every swell of the Watergate mess; some of it inevitably has come to the lawyers. Conspirator E. Howard Hunt, for one, gave his lawyer $25,000 in $100 bills as partial payment of legal fees. Conspirator James McCord claims to have paid his attorney the same amount in the same way. The size of those fees, however, is thought to be minimal compared with some others. New York Attorney Henry Rothblatt, a voluble, flamboyant and highly skilled criminal specialist who represented four of the original defendants, charged them $125,000 even though they refused his advice and pleaded guilty. (While he did not represent McCord in the criminal trial, Rothblatt is representing him in connection with civil actions and last week

*Among them: John Ehrlichman, John Dean, L. Patrick Gray, Richard Kleindienst, Charles Colson, G. Gordon Liddy, Gordon Strachan, general counsel to the USIA until he resigned under pressure, and Donald Segretti, a former Treasury Department counsel. Richard Nixon, also a lawyer, lost his personal attorney, Herbert Kalmbach, in last week's developments; Kalmbach immediately hired a lawyer of his own.

took a deposition from Martha Mitchell (*see* THE NATION). Kenneth Wells Parkinson of the Washington firm of Jackson, Gray & Laskey has already billed the C.R.P. $132,726 for defending various civil suits, and is expected to submit a second, even larger, accounting shortly.

Those lawyers whose chosen lawyers fail to keep them out of prison may, in the end, follow the example of G. Gordon Liddy, the man who was convicted as the supposed ringleader of the break-in. Presently ensconced in the D.C. jail, where he is known to the other inmates affectionately as "Watergate" Liddy, the former FBI agent and New York state prosecutor has become a much-in-demand jailhouse lawyer. Regulations prohibit him from actually writing writs and petitions for others, but he can and does offer legal advice as a critic and counselor. He will be able to continue providing such informal legal services throughout his up-to-20-years prison sentence.

The Masses Cannot Sue

Seven years ago, Morton Eisen, a New York City wholesale shoe salesman, became convinced that his stockbroker had charged excessive fees. All other buyers and sellers of odd lots of stock (fewer than 100 shares), Eisen figured, were discriminated against in the same manner. He brought a class action on behalf of all who had paid the inflated fees—a total that has now reached 6,000,000 people—and he won a signal victory. Smaller class actions had long been common, but in Eisen's case a U.S. court of appeals held for the first time that federal rules governing such suits should not be applied so rigidly as to automatically preclude the huge and diffuse group that Eisen represented. Since then, mass class-action suits, in one case on behalf of "all people in the U.S.," have mushroomed.

Last week Eisen's case was back before the same U.S. court of appeals. This time the court decided that the suit was too unmanageable and should be dismissed. Eisen had conceded that he was unable to pay for millions of individual notices to other members of the class, and the court held that that was a legal necessity. Moreover, the court observed, the mere cost of sending each claimant his share of the damages (the average claim was $3.90) might well use up the entire award.

If the decision withstands planned appeals, Eisen's class action is finished, and so, too, are virtually all other similar mass suits. Noting that many such suits had been brought as "legalized blackmail" to force settlements from companies unwilling to face the cost or risk of fighting the actions, Federal Judge Harold Medina, who wrote the decision, called it "a landmark." Replied Mark Green, a legal activist who works with Ralph Nader: "I'd call it a land mine."