

ABA Rule Applied to Watergate

CHICAGO, June 20 (AP)— Prompted by lawyers' involvement in the Watergate scandal, a committee of the American Bar Association advised today that lawyers are subject to disciplinary procedures for conduct not connected with the actual practice of law.

Some observers said the opinion represents a setback for lawyers implicated in the Watergate scandal who had hoped to avoid disciplinary action, especially if they won acquittals in court.

The Committee on Ethics and Responsibility said it issued the opinion on its own initiative because of increasingly frequent questions regarding the professional sta-

tus of lawyers linked to the Watergate break-in or cover-up.

While the opinion itself holds no force, the ABA's Code of Professional Responsibility which it clarified has been adopted with some changes in virtually every state and opinions of the committee are the "authoritative interpretation" of the code, the ABA said.

State bars in California, New York and Washington are among those known to be considering possible disciplinary action against several persons, including President Nixon, former Attorney General John N. Mitchell and former domestic affairs adviser John D. Ehrlichman.

Other lawyers already implicated in the Watergate cover-up and related scandals include G. Gordon Liddy, Herbert W. Kalmbach, Egil Krogh, John W. Dean III and Richard G. Kleindienst.

The committee's opinion clarified the interpretation of a section of the ABA professional code which states the "public should be protected from those who are not qualified to be lawyers by reason of a deficiency in ... moral standards."

The opinion said: "It would be utterly incongruous with the entire tenor of the code to find that its provisions regarding lawyers who engage in fraud, deceit, misrepresentation or illegal conduct involving moral turpitude do not apply to them when they are acting as individuals or as public servants."

F. Lamar Forshee, director of the ABA Center for Professional Discipline, said the weight of the opinion may fall on lawyers indicted but subsequently acquitted on charges in connection with Watergate.

He explained that when state bar associations consider disciplinary action they adhere to a different standard of proof which varies from the "beyond the reasonable doubt" required for a felony conviction.

"The standard is 'clear and convincing evidence' which is somewhat less than that required in criminal trials," said Forshee.

For example, he said, even if President Nixon is not impeached, he will still be liable for disciplinary action from the New York and California state bars. "He's still a lawyer, even though he's a President. The same rules apply," said Forshee.