

Va. Bar Harassed Lawyer, It Admits

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By B. D. Colen
and Paul G. Edwards
Washington Post Staff Writers

In an extraordinary court settlement, Virginia State Bar officials have admitted that gadfly civil liberties lawyer Philip J. Hirschkop has been harassed by the bar with numerous, unfounded disciplinary complaints because of his representation of controversial clients and causes.

In the three-page settlement of a civil suit Hirschkop brought against the state bar, its executive director and special counsel stated that they "acknowledge and regret their participation in the past unfairness or procedural irregularities relating to (Hirschkop) and the Executive Committee of the Virginia Bar regrets past unfairness or procedural irregularities relating to" Hirschkop.

Sam Clifton, the executive director of the Virginia bar referred to in the settlement, told The Washington Post he doesn't think his actions "could be fairly characterized as misconduct." James Wrenn, the special counsel to the bar also referred to in the settlement, could not be reached for comment.

Hirschkop's suit against the bar, which includes a challenge to the constitutionality of the bar's rule forbidding lawyers from commenting on pending



PHILIP J. HIRSCHKOP
...sued state bar

cases, was filed after he was charged with violating that rule 16 times in the past four years.

His challenge of this gag rule is still pending, and is scheduled to be heard in U.S. District Court in Richmond next month.

Among the cases Hirschkop has been involved in during the past decade are the trial of the nine antiwar activists who ransacked the Dow Chemical Corp.'s Washington offices; the defense of convicted Lynchburg, Va., rapist

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SETTLE, From A1

Thomas C. Wansley, and the case of Dennis Gallagher, one of six Virginia prison officials who was indicted for misconduct and later cleared.

Hirschkop also has aided Virginia convicts who have brought successful court challenges of conditions in the state prison system.

During his involvement in the Wansley and prison cases, Hirschkop was alleged to have made derogatory statements about judges and justice in Virginia, and it was those statements that formed the basis of complaints against him.

In the settlement, Clifton, Wrenn and Virginia State Bar President Philip Sadler all acknowledged "that the actions (Hirschkop) complained of did not constitute the violation of (the gag rule) and appear to have arisen in cases where (those filing the complaints) may have disagreed with the causes supported and espoused by" Hirschkop.

The attorneys also acknowledged on behalf of the bar that Hirschkop "has been the subject of an unusual number of complaints relating directly or indirectly to statements alleged to have been made by (Hirschkop) and that all of the (complaints) have been dismissed in Virginia."

The bar agreed in the settlement to instruct "its executive director and its special counsel to handle any complaints related to (Hirschkop) in accordance with the rules and procedures applicable to all members of the Virginia bar without unwarranted comment."

In addition to agreeing to be

fair with Hirschkop in the future, the officers of the bar agreed to launch an "appropriate inquiry . . . concerning such disciplinary procedurss and will use its best efforts to cause the adoption of rules and procedures . . . to better insure such equal and fair treatment."

Hirschkop agreed in the settlement not to take any legal action against the bar or any of its officials for any part they may have played in harassment of him. The settlement does not, however, make those involved in harassing him "immune from appropriate disciplinary action by the Virginia State Bar."

Such disciplinary action seems unlikely in light of Sadler's comment to The Washington Post yesterday that he continues "to have the fullest confidence in Mr. Clifton and Mr. Wrenn" and does "not believe dismissal or any other disciplinary action should be considered."

Hirschkop was on vacation in Florida yesterday and could not be reached for comment.

Richard Shadyac, the lawyer who represented Hirschkop in the suit, said Hirschkop "has been totally exonerated," by the settlement, which did not involve any money award.

John Grad, one of Hirschkop's associates, said he doubted that Hirschkop would think of the settlement as a "vindication" because he believed himself to be in the right from the beginning.

But now, said Grad, "many of the problems in terms of how the bar runs . . . will be improved. The bar has said there was something wrong. Now it's acknowledged."