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## Cheating hurts entire legal profession

If you're not a Tigers or Indians fan, you probably don't know Jhonny Peralta. Jhonny is a Dominican player, originally with the Cleveland Indians then traded to my favorite baseball team, the Detroit Tigers. Jhonny was named to the All-Star team in 2011 and carried the Tigers to the World Series in 2012. All wonderful things. That is until this year when he was suspended for being a drug cheat.

Baseball has had a drug problem for years. Many of us remember Sosa-McGwire in 1998. But we also remember the congressional hearings, the dirty syringes, the Mitchell Report and the false claims of disbelief from baseball management.

It was supposed to have gotten better. Players had cleaned up their acts. Drug testing had improved. Baseball was no longer turning a blind eye. Until a company called Biogenesis emerged. Biogenesis was a health clinic in South Florida that, among other things, provided baseball players with performance enhancing drugs.

Either through drug testing or witness testimony, Major League Baseball suspended various players linked to the clinic. In 2012, World Series MVP Melky Cabrera received a 50-game suspension for drug use. In 2013, National League MVP Ryan Braun was suspended 65 games. And last month, 12 players were suspended for 50 games. One of them was a player from the Dominican Republic, a player of whom I used to be an enormous fan, Jhonny Peralta.

Peralta is out until the end of the season. Neither he nor his fellow Biogenesis players appealed their 50-game suspen-

sions, much to the chagrin of their playoff-hunting teammates. And while there's been a lot written about Biogenesis and what it means for baseball, I'm writing today about what baseball cheating means for lawyers.

Cheating is a serious problem in the legal world — billing two clients for the same work; requesting reimbursements for expenses not used; charging three hours for a 30-minute task; removing money from a trust account with every intention of returning it later.

Recently, prominent Chicago lawyer Lee Smolen allegedly forged a large number of cab receipts and improperly obtained numerous entertainment-related reimbursements, to the tune of \$100,000-plus. Smolen, who characterized his actions as “poorly conceived,” “inadvertent” and “occasional” is now under investigation by the Attorney Registration & Disciplinary Commission.

Whether deliberate and intentional, or inadvertent and occasional, attorneys who cheat their clients cast a poor reflection on themselves, on their colleagues and on the profession. In that way, they resemble the baseball players caught up in the Biogenesis scandal.

Let's start with the individual. Several of the Biogenesis players have won awards, World Series rings and set records even before they were accused of taking drugs. However, for the rest of their careers, they will always be remembered as the players who cheated.

No matter how good an attorney you are, if you are exposed as a cheat, it will dog your name for the rest of your

### PROFESSIONALISM ON POINT

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career. It will impede your ability to obtain leadership positions in organizations. It will restrict your transferability among law firms and corporate employers. It will reduce your attractiveness to potential clients. And it may pay in the short term (it certainly did for the baseball players) but when you are caught — whether by your partner, your employer or even the disciplinary authorities — the price you pay, at a minimum, is the abject loss of your professional reputation.

As ethics and disciplinary attorney Mark Dubois writes in a chapter of the recently released ABA book “Essential Qualities of a Professional Lawyer,” “A lawyer pegged as a liar and a cheat will suffer over the long run because his peers, and judges before whom he appears, will not trust him and will not take his word for anything.”

What about the effect on the person's colleagues? Many of the baseball players were part of teams in the playoff hunt. By not appealing their suspensions (as Alex Rodriguez of the New York Yankees did) they left an enormous hole where their skill

used to be.

It's the same for attorney cheaters. You have let your team down — your trainers, your mentors, your senior partners, your junior associates, your paralegals, your secretaries — all people who relied on you and trusted you for the long haul.

And the disappointment and betrayal goes beyond your immediate “team.” Los Angeles Dodgers second baseman Mark Ellis had this to say about the suspended players: “We're sick of it. Tired of it,” he said. “We don't want the fans thinking everybody cheats. You listen to people talk and they associate baseball with cheating.” Red Sox outfielder Johnny Gomes called the cheating “a real selfish act.”

When lawyers cheat, they bring the reputation of the bar into question and sully the reputations of those who have done nothing wrong. Recently, 2011 American League MVP Justin Verlander was accused of cheating by a national sports radio host. The host's evidence? The fact that Verlander's numbers had declined this year after signing a huge contract during the offseason. That's the other problem drug offenders create for their teammates. A culture of suspicion. A belief that everyone cheats, and worse, that cheating is a part of the game. It's the same culture that cheating lawyers create.

Cheaters never prosper is not an entirely accurate statement. They often do, for a time. But they often get caught. And when they do, the damage to their reputation and legacy, as well as to their colleagues and the system — whether it be Major League Baseball or American justice — is irreparable.