



From the Nixon White House to Trump Tower

A Unique Look at Executive Power with a Focus on Supreme Court Appointments featuring John Dean and James Robenalt

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Birmingham Bar Association

November 1, 2017

3 CLE hours, including 1 hour of ethics

"AS GENERAL COUNSEL OF A CORPORATION THIS HAS BEEN INVALUABLE!"

"BEST CLE COURSE I HAVE ATTENDED. ENTERTAINING, INFORMATIVE, AND LEGALLY, HISTORICALLY AND ETHICALLY RELEVANT AND POIGNANT."

"GRIPPING."

AGENDA

JOHN W. DEAN'S direct knowledge of the application (and misapplication) of presidential powers and Jim Robenalt's encyclopedic knowledge of the presidency and the courts combine to offer you thoughtful and practical insight into what is happening in the halls of power, what might lie ahead and, more importantly, how the practicing bar can respond.

The fascinating discussion will reveal the unchecked presidential powers that are plastered on the walls of American history:

- Unchecked Presidential Powers are plastered on the walls of American history:
- Prior to Watergate – FDR's Sumner Welles Situation; Truman's Steel Seizure; Eisenhower's U-2 Incident; JFK's Lady Friends; and LBJ's Bobby Baker Investigation.
- Even with its lessons, Watergate did not stem the tide – Goldwater vs. Carter; Reagan's Iran-Contra; Clinton's Impeachment and Pardon Powers; Bush/Cheney & Iraq; and Obama's Imperial Presidency.

The future may be uncertain, but rest assured that the constitutional restriction on the office will be tested again! The program is guaranteed to stimulate your civic consciousness and invigorate your passion as a champion of the rule of law.

BACKGROUND AND EXECUTIVE POWERS - 8:30 A.M.

- Who is the client for White House counsel (or attorneys representing organizations) Model Rule 1.13?
- Reporting Up: a lawyer's obligation where the organization is involved in ongoing crime or fraud
- Reporting Out: when crime or fraud cannot be stopped. Understanding the Prospect Theory

TRUMP'S EXECUTIVE POWER

- Was Nixon correct: "When the president does it, that means it's not illegal?"
- Why former Justice Souter (and the Model Rules) say understanding these issues are important for attorneys as guardians of the Constitution
- Pre-Watergate Unchecked Presidential Powers
- Post-Watergate Unchecked Presidential Powers
- Checking President Trump's powers in general, and his influence on the Supreme Court more specifically

SELECTING & VETTING SUPREME COURT CANDIDATES

- Will President Trump employ Nixonian hardball tactics to shape the U.S. Supreme Court?
- How presidents select and vet potential justices

15 MINUTE BREAK

SELECTING & VETTING SUPREME COURT CANDIDATES (CONT'D)

- The Blackmun appointment
- The unexpected consequences of Harry Blackmun's selection

THE IMPLICATION FOR TRUMP OF NIXON'S APPOINTMENTS OF LEWIS POWELL AND WILLIAM REHNQUIST

- What Trump (and we) can learn from Nixon's appointment of Justices Lewis Powell and William Rehnquist
- Analysis of political aspects of Supreme Court nominations

CONCLUSIONS AND Q & A

ADJOURN - 11:45 A.M.

SPEAKERS

JOHN W. DEAN



Before becoming Counsel to the President of the United States in July 1970 at age thirty-one, John Dean was Chief Minority Counsel to the Judiciary Committee of the United States House of Representatives, the Associate Director of a law reform commission, and Associate Deputy Attorney General of the United States. He served as Richard Nixon's White House lawyer for a thousand days.

He did his undergraduate studies at Colgate University and the College of Wooster, with majors in English Literature and Political Science. He received a graduate fellowship from American University to

study government and the presidency, before entering Georgetown University Law Center, where he received his JD in 1965.

John recounted his days in the Nixon White House and Watergate in two books, *Blind Ambition* (1976) and *Lost Honor* (1982). He lives in Beverly Hills, California with his wife Maureen, and now devotes full time to writing and lecturing, having retired from his career as a private investment banker. He is working on his 12th book (10th since retiring), which returns to Watergate and is based on material only recently made available.

JAMES D. ROBENALT

James Robenalt is a partner and former Chair of the Business Litigation group at Thompson Hine LLP's Cleveland office. Jim has won big verdicts for clients, including Avery Dennison (\$81 million jury verdict on international espionage case) and Solvay Pharmaceuticals (\$68 million arbitration award on drug co-promotion agreement). Jim is the author of two non-fiction books dealing with the American presidency: *Linking Rings, William W. Durbin and the Magic and Mystery of America* (Kent State University Press 2004) and *The Harding Affair, Love and Espionage During the Great War* (Palgrave 2009).



Jim is a recognized leader in judicial reform in Ohio. He teaches and instructs on the legal ethics and the representation of an organization under Model Rules 1.13 and 1.6. Using John Dean as fact witness and Watergate as a case study, Jim and Mr. Dean have developed interactive, fast-paced programs that explore the duties of an attorney representing an organization when wrongdoing is uncovered.

CAN'T ATTEND THE LIVE PROGRAM? JOIN IN BY WEBCAST!

If you are unable to attend the seminar in person, you also have the option of watching the program LIVE from your own computer. Webcasts count as "live credits" in Alabama just as if the viewer were in attendance at the seminar.

TO REGISTER FOR THE WEBCAST:

Go to cumberland.inreachce.com, click "2017 Live Webcasts" and then click on the seminar you want to watch. Follow the on-screen instructions to complete your registration.

REGISTRATION

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Phone: 1-800-888-7454 or 205-726-2391

Fax: 205-726-2616

Mail: Cumberland School of Law CLE, P.O. Box 293759 Birmingham, AL 35229

To View by Live Webcast: cumberland.inreachce.com

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- \$199 **Advance Registration/Save Money** (includes code to download and print course materials 48 hours prior to the seminar)
- \$209 Late Registration (after October 29, includes code to download and print course materials)

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CLE credit: The program has been approved for 3.0 hours of CLE credit in Alabama, including 1.0 hour of ethics.

Cancellations and refunds: Prepaid registration fees will be refunded, upon request, up to 48 hours before the beginning of the seminar. Arrangements for substitutions may be made anytime prior to the seminar.

Venue: Birmingham Bar Association - 2021 2nd Avenue North, Birmingham, AL 35203 - Map