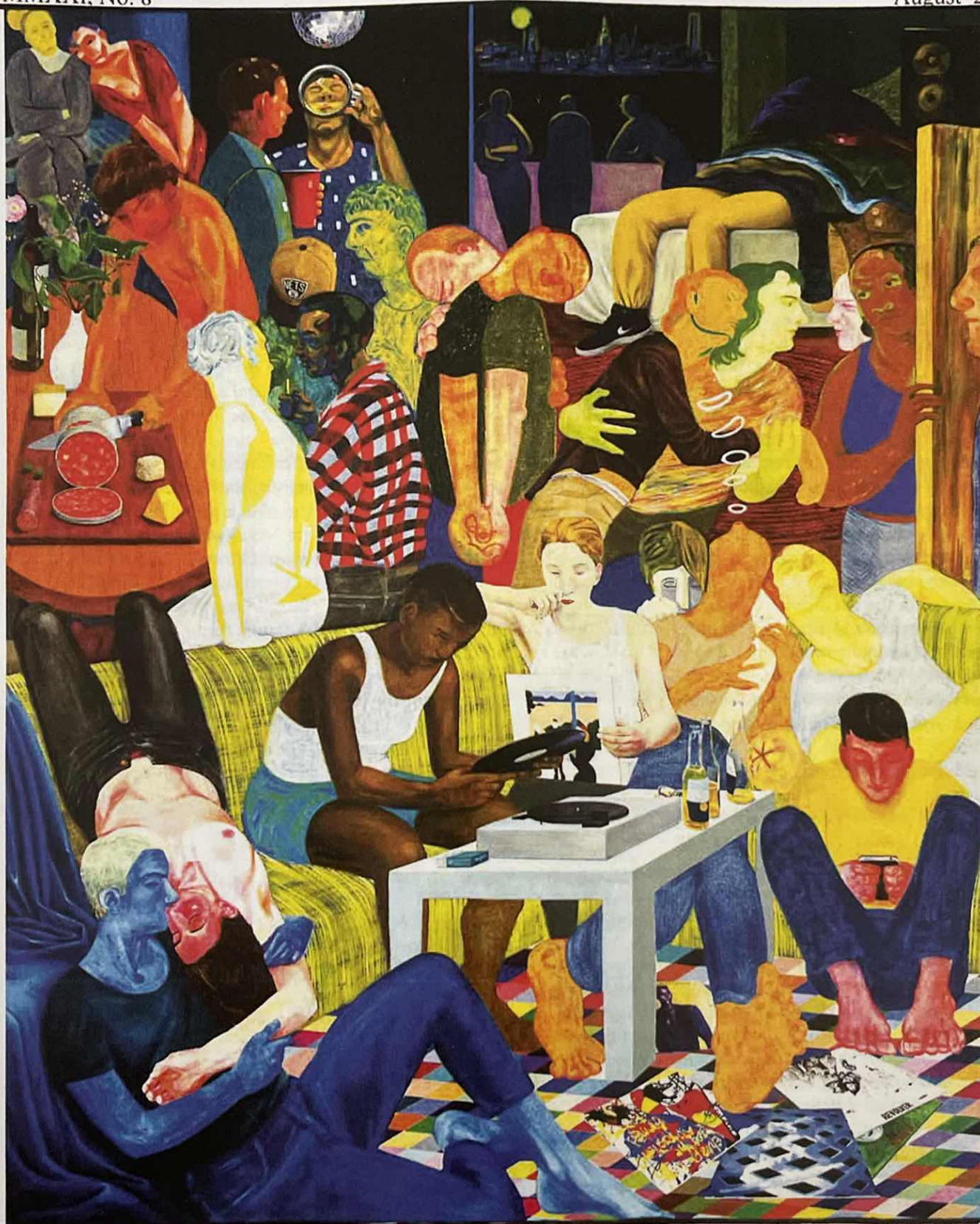


American Board of Criminal Lawyers

THE ROUNDTABLE

Vol. MMXXI, No. 8

August 2021



The Past Remembered: The First ABCL Meeting

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Drake Bell sentenced to probation for sexual texts with a minor

By Evan Simko-Bednarski, CNN

Published 2:32 PM EDT, Mon July 12, 2021

(CNN) — Actor Drake Bell, best known for the Nickelodeon sitcom "Drake & Josh," was sentenced by an Ohio court to one year of probation on Monday, stemming from charges of attempted child endangerment and disseminating matter harmful to juveniles.

Bell pleaded guilty to the charges – related to incidents in Cleveland, Ohio in 2017 – last month.

The sentence was handed down after a lengthy statement from Bell's victim, who appeared in court via videoconference. (CNN does not typically identify victims of sex crimes.) The woman, now 19, said she was 15 at the time she exchanged texts of a sexual nature with Bell, whom she had met through her aunt at the age of 12.

"He was a hero to me," she said.

The woman also said in her statement that Bell had sexually assaulted her on two occasions, allegations he denied through his attorney.

"Every night I dread going to sleep because I don't want to see him in my nightmares," she said.

"He was such a huge part of my childhood, and in return he ruined my life," she said, calling him a "pedophile."

Bell's attorney, Ian Friedman, acknowledged that the pair engaged in text messages of a sexual nature, but denied that any assault took place.

"His conduct was not correct, it was not proper," Friedman said. "But I have to be very clear. What the victim is claiming to have occurred here – not only am I saying that it did not happen, not only would Mr. Bell say that that did not happen, but the evidence in this case would suggest that it did not happen."

"We all know that this prosecutor's office would pursue child sex charges and go to great lengths, aggressively as they should, and we've seen it many times," Friedman said. "If they felt that that was a provable case, I'm sure we would not be talking here today about an 'attempted child endangerment' (charge) and a 'disseminating matter harmful to a minor.'"

"I accept this plea because my conduct was wrong," Bell said, also joining the court by videoconference. "I'm sorry that the victim was harmed in any way but that was obviously not my intention."

During his brief statement, his unidentified victim could be seen crying.

FROM TIME TO TIME I meet with a youth in whom I can wish for no alteration or improvement, only I am sorry to see how often his nature makes him quite ready to swim with the stream of time; and it is on this I would always insist that man in his fragile boat has the rudder placed in his hand, just that he may not be at the mercy of the waves, but follow the direction of his own insight.—Goethe.

LOOK TO THIS DAY, for it is life. In its brief course lie all the verities and realities of your existence; the bliss of growth, the glory of action, the splendor of beauty. For yesterday is but a dream, and tomorrow is only a vision; but today, well lived, makes every yesterday a dream of happiness and every tomorrow a vision of hope. Look well, therefore, to this day, such is the salutation of the dawn.—From the "Sanscrit."



Depositions are for discovery

We were sitting around the office one afternoon, when one of the older associates, the one who generally blended into the wallpaper, overheard us discussing discovery procedures in civil cases and the general abuse thereof by opposing counsel. Without so much as clearing his throat to give us fair warning of his intention, he proceeded to share with us the benefits of his own experience in that regard.

"That reminds me," he said, "of a case I had some years ago. I was representing the wife of a local attorney, who had instituted support proceedings against him, more for leverage in a contested divorce action than for the actual recovery of weekly support payments. She was a full-time school teacher and a part-time real estate saleswoman,

and was probably earning more money than her husband, who was given to spending most of his 'Court' time playing handball or engaged in 'side-bar' conferences with fellow counsel of like persuasion, if you get my meaning.

"Anyway, as part of the divorce action, I sought to take his deposition on behalf of my client. On the appointed date, the good old boy rolled in late, as expected. Well, I questioned him for better than an hour, going through a whole checklist I had laboriously prepared, concerning bank accounts and safe-deposit boxes, whether held by him individually or jointly, in his or any other name. I must have asked him ten different ways whether he had any money in the bank and whether anyone else was

holding any money for him. To every single question he responded in the negative, as well he did to questions whether or not he had any money concealed in his office, or the office of someone with whom he shared offices, or in his home, and so on and so forth, *ad infinitum* and *ad nauseam*. After more than an hour without getting anywhere, I gave up in frustration.

"Later, he did get counsel and we settled the matter; and not long after I heard that he had left the state to take a government job somewhere else. The settlement always rankled a little, however, as I believed that he had gotten a better deal than he deserved by lying under oath, which I had been unable to prove because of limitations in the discovery process.

"Several years later, the attorney who had represented him in those proceedings ascended to the bench, and I was assigned to try a case before him. During a recess that lawyer's name came up, and I related my lingering disquietude about our old case. The judge quickly assured me that I need no longer be concerned about inadequacies in the discovery process and, with a suitably deadpan expression, explained that his erstwhile client had, on the morning of the deposition, gone to each bank in which he had an account and withdrawn every penny. The assets with regard to which I questioned him at such length and with such tenacity at that deposition had all been converted into cash and were then within arm's length from me, on his person, at that very time.

"The moral of the story," said Old Wallpaper, belaboring the obvious, "is never become so infatuated with your own cleverness as to overlook the obvious."



In my recent forays into word country, I have been more *vetted* than *valorized*, and more *defalcated* than *professionalized*. I fear that the stresses of all this word play are taking a heavy and cumulative toll. All my fears rushed home when I collided with the word *institutionalizing*.

—Mike Carroll

I doubt I have to spell out in great detail why the word might make a person in my vulnerable state just a tad anxious. The usage I stumbled upon was benign. It dealt with making permanent certain tests to determine if progress was made from one year to the next.

But looming over me was that other meaning of institutionalizing, the meaning that consigned Bette Davis and so many Hollywood sister stars of her day to silver-screen INSTITUTIONS.

In 1930s and 1940s movies, *institutionalized* women generally were found in mental hospitals. (Men in prisons.) Some institutions were caring if indeed institutions can care. If they cannot care, at least the kindly doctors and nurses who worked in the pastoral movieland institutions could care for Bette — kindly doctors and psychiatrists who often looked a great deal like Claude Rains in the film *Now, Voyager*. Rains, of course, went on to work for the bad Vichy French and then the good De Gaulle Free French — all in the same film, *Casablanca*. Very French, I suppose.

Nice as the places that “Dr.” Rains worked were, they were still institutions. There also were the other not-so-nice-and-kindly institutions, not well-located in the beautiful countryside. These tended to be in poor parts of cities, in dingy, dilapidated, badly lighted Victorian buildings often shrouded in fog.

The staff was far from kindly and more likely than not, sadistic. You are no doubt familiar with that staff. The doctors more closely resembled Charles Boyer in the movie *Gaslight*. I believe he played a sinister stage actor, not a sinister doc — not as big a leap as you might think. He did his utmost to

drive poor beautiful Ingrid Bergman out of her mind, a relatively short drive in that picture.

Shrinks in those bad institutions often tried to make patients more helpless, more paranoid — more crazy. The evil nonprofessional staff would rarely feed the patients unless there was something crawling in the bowl. They would leave the tray and stay just out of sight waiting with hands clamped over mouths and eyes bulging; waiting for Bette Davis or Joan Crawford to lift the lid, spot the crawling vermin, scream, drop the tray on themselves and break down, thereby setting back her release date months if not years. This was, of course, the moment for the unkind staff to cackle. There were some great cacklers in those old films.

Back to the point; ah yes, the point. *Institutionalizing* was not generally a good thing in the old days and when it reappears now in modern clothing, it still scares me.

This word activity obviously is having a large *impact* on me. The use of the word *impact* as a noun is one with which I am com-

fortable. The use of the word as a verb has been around quite a while also, several centuries, but with a much different meaning than the modern verb use. *Impact* traveling as a verb may have gotten just a little out of hand in recent years. Most every corporate speaker and politician is *impacting* something upon something else these days. It might be *impacting* on crime, it might be *impacting* on spending or sales. Whatever is being discussed is likely *impacting* on something.

The word struck close to home in a memo I saw. Apparently a storm in another part of the country was about to *impact* the response time for the company working on the computer network. The news was not all bad, however, because

I know what you're
thinking: Where's the door?
How do I get *outage* of here?

the company — the *national vendor*, that is — was planning to *re-align resources* to deal with all the problems associated with numerous outages.

Now, it's hard to ignore that memo. Even if you cannot completely understand it and you do not like the use of words in it, you do notice it. If I made up that memo, someone might accuse me of creating straw phrases, unrealistic and unwieldy phrases, just so I could knock them down. But the memo was real, at least as real as such things ever get.

Let's break down the memo. You have your basic irritating to some, creative to others, modern use of *impact* as a verb. While you are still shaking off the effects of that jab, you stumble over *national vendor*. No big deal. It's simply an adjective and a noun, even if the noun *vendor* traveled from obscurity to the lips of every wannabe entrepreneur in just a few years. (If you wanna arrest me for the use of "wannabe," you have probable cause.)

Vendor is a legitimate noun. But just as you recover your balance you are twisted up like a pretzel by *realigning of resources*. Real words. Real people. Real jargon.

Finally, the *coup de grace*. (Is that redundant or just repetitive French?) You have a problem. Actually you have more than one. You have problems associated with those numerous outages. I know what you're thinking: Where's the door? How do I get outage of here?

Perhaps if I suggested how to get out, you might respond with: "That's a plan." It might very well be a plan in that instance, but notice how the phrase has broadened in meaning in recent years, to something like, "Let's do it," or, "We could try that." Or maybe, "By God, it just *might* work." (That last one is said

These days if a group of friends can agree on a restaurant or a movie, someone is likely to exclaim, "That's a plan!" Can we have a *plan* to expand our vocabulary and our sentences ... maybe just a little?

Got that? By the way, what is it with the phrase "You got it!" Just what do we got? Do we perhaps got a substitute for a crisp and simple "yes," or is it more complicated than that?

Try going into a restaurant, hotel or hardware store and making a simple order or request. These days there is an excellent chance that the response will be a very enthusiastic, "You got it." Get it? Now please tell me how to get rid of it.

"You got it" may be a first cousin of "No problem," another phrase whose life may have once had meaning — a clear, simple, predictable and understandable meaning. They may be even closer than cousins. Maybe they are twins, fraternal rather than identical, but twins nonetheless.

"No problem," like "You got it," also is used in response to requests for almost anything, after the request is fulfilled. If your request is granted and you express

thanks, guess what you are likely to receive in response. No, not "You're welcome." That's right: "No problem." Let's look at a few examples of how it works.



best with an English accent, and second-best with a phony affected American upper-class accent.)

The word *plan* may have once been reserved for great things, like the Allied invasion of occupied Europe, the rebuilding of a ruined city, or the flight to the moon.

(To be continued in next issue)

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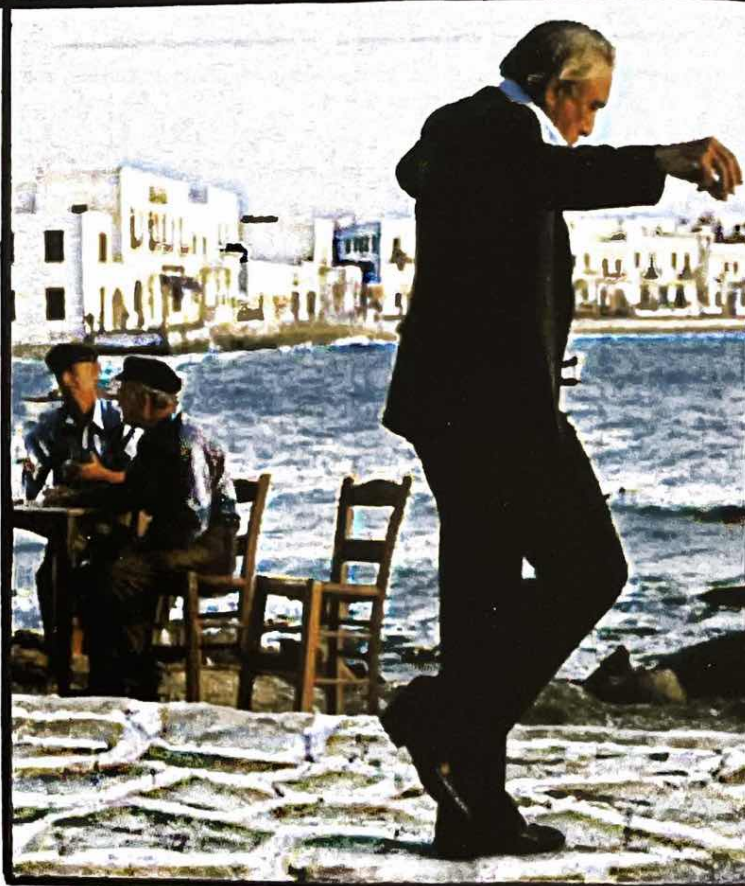
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Future Meetings

October 2021 (Detroit)



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DEMOSTHENES REHEARSING AN ORATION