

Bathroom Reader

The More You Go, The More You Know

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LEGAL WORD OF THE DAY: NUNC PRO TUNC

This Latin term literally translates to “now for then.” A ruling *nunc pro tunc* applies retroactively to correct an earlier ruling. For example: “The Court will enter a Decree *nunc pro tunc*, if satisfied from its own official documents, that it is only doing now what it would have done then.”

A STORMY EHTICAL SITUATION



Thou shalt not provide financial assistance to a client in connection with pending or contemplated

litigation. See New York Rules of Professional Conduct 1.8(e).

If Michael Cohen is to be believed, he flagrantly violated the aforementioned rule when he paid award winning porn actor and director Stephanie Clifford (a.k.a. Stormy Daniels) \$130,000 to enter into a non-disclosure agreement eve of the 2016 presidential election.

Considering that the agreement plainly states that the parties wish to avoid the time, expense, and inconvenience of potential litigation, Cohen appears to be on a collision course with a New York Attorney Grievance Committee. This stormy situation spells bad news bears for Cohen, especially considering his claims that this payment was made without the Trump's knowledge.

If Cohen is telling the truth, he has probably violated Rule 1.2 for acting beyond his scope of representation of his client and violated Rule 1.4 for failure to communicate with his client and keep him informed about the status of a matter. If Cohen is lying and Trump did know about the payment, he has super-sized his violation of Rule 1.8(e) with a violation of Rule 8.4(c) for engaging in conducting involving dishonesty, fraud, deceit, or misrepresentation.

As this made-for-TV drama continues to unfold in very real news broadcasts, Cohen may also decide it's time to defend against a violation of the basement floor of ethical standards under the Rules of

Professional Conduct. Rule 1.1, competence.

DOMESTIC VIOLENCE SURVIVORS IN PRISON

Domestic violence and women's incarceration are inextricably linked: nine of ten incarcerated women have experienced severe physical or sexual violence in their lifetimes. The Correctional Association of New York's Women in Prison Project and its Coalition for Women Prisoners sought to address this systemic problem by passing the Domestic Violence Survivors Act as a way to provide relief to women in the criminal justice system as victims and as defendants.

If enacted, the DVSJA would: (1) give judges discretion to sentence survivors whose abuse was a “significant contributing factor” in their crime to lower sentences if the usual sentence would be unduly harsh. In some cases, it will allow sentencing to community-based alternatives to incarceration instead of prison. (2) It would permit currently incarcerated survivors, in some cases, to apply to the courts for