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57/07/24 Bar Committee Withholds Action on Pen Lie Test

Cleveland Plain Dealer

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Bar Committee Withholds Action on Pen Lie Test

Eighteen members of the Cleveland Bar Association executive committee yesterday discussed the propriety of a lie detector test by the so-called Court of Last Resort. They met behind closed doors for an hour.

Their conclusion was that they would take no action.

A resolution, unanimously adopted by the executive committee, said that, since permission had been withdrawn for the "court" to conduct a lie detector test of Dr. Samuel H. Sheppard, no action was required by the bar association.

This was bolstered by the fact that the magazine-sponsored "court" had announced its withdrawal from any activities in the state.

Gov. C. William O'Neill, told of the action of the Cleveland bar group, would only say: "No comment."

Questioned, while attending a meeting at Hotel Cleveland, on why he had changed his

mind or who had influenced his decision, Gov. O'Neill said: "Let's just call it a closed book."

In the meantime, members of the Cuyahoga County Bar Association raised question of a possible conflict in interest for Paul M. Herbert in his role as Ohio's lieutenant governor and, at the same time, defense attorney for Dr. Sheppard.

Harry Auslander, former president of the group, said:

"If by some chance Herbert would succeed to the governor's chair, his representation of Dr. Sheppard would put him in a most peculiar position if question of a pardon should come up.

"It would seem to me to be a definite conflict of interest under the American Bar Association's Canon 6."

Auslander added that it would be unethical for Herbert to make any kind of decision on the Sheppard matter.

Matter of "Taste"

Bernard C. Wachtel, immediate past president of the group, said that if there were no law against the lieutenant governor acting as counsel there could be no ethical objections.

"It would then boil down to a matter of good taste," he said, "and I don't feel qualified to comment on another man's legal taste.

"If the facts were that Herbert talked to O'Neill about the matter it would be one thing, but if there is no evidence of that I do not think we can build an inference on an inference — that is we cannot infer Herbert pushed it or infer the governor acted on that."

Wachtel concluded that Herbert should look carefully at his position as a public official first before he looked at himself as an attorney.