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LAW FIRM MISSION& HISTORY

While attending the University of Puget Sound Law School, in 1981, I began an internship with the law firm of Kramer & Sulkosky. My career started as an attorney with the same firm. Initially, I envisioned my career taking me in the direction of admiralty law and litigation related to the Uniform Commercial Code. In 1985, due to the emergent need of my than boss, I was thrust into the position of trying my first felony case. As life is an unpredictable path, in that trial, I found my passion.

Since opening my own practice, on 31 December 1985, it has been my goal to provide my clientele with quality legal care. Toward the end of the 1980's, the focus of my practice became felony defense. My practice has evolved to the point where, today, 80% to 90% of my case load consists of defending people who are charged with serious felonies, up to and including death penalty litigation. I have engaged in complex litigation in the State Court system, the Federal Court system, the Military Court system (Courts-Martial), and I have argued appeals in the State appellate system, as well as the Federal and Military Appellate Courts. The balance of my practice deals with personal injury litigation and criminal defense involving misdemeanors.

I consider it the greatest of honors to stand next to my clients, in their desperate defense of serious criminal allegations, using every protection afforded under the Constitution. I believe there are few tasks more important in a free and democratic society than defending clients charged with crimes. I never lose sight of the fact that I am a vital barrier between an accused and a conviction. I have great respect for the immense responsibility I undertake when a client makes the decision to hire me. I am committed to putting forth a tireless effort in the defense of my clients.

CHOOSING A LAW FIRM

Choosing a *mouthpiece* in litigation is a critical choice. I encourage you to discuss your selection of counsel with others in the community to get a sense of a lawyer's expertise and his reputation of commitment to his client. What with the benefit of the internet, information is readily available. "Googling" a lawyer's name can also give you a good sense of an attorney's experience. I hope the reputation of my Firm will bespeak the commitment I have to my clients, and that my quarter century of experience will give you sufficient security to feel comfortable

with your decision to hire my firm.

In the event you desire a second opinion about your case, I will be more than happy to give you the name of other experienced lawyers in the area. In the end, my main concern is that you make a choice of counsel with whom you are comfortable, and that you choose a lawyer who you feel will give you the best chance for your desired result.

INTRODUCTION:

Through this letter, it is my intent to introduce my firm.

There are a combination of emotions involved in being charged with a crime and having to retain a law firm in defense of the same. These emotions find their geneses in a fear of the underlying charges, a lack of familiarity with the criminal justice system, and a lack of information on the services I provide, let alone the type of help you require to handle this situation. It is my goal through this letter to provide information which will hopefully alleviate some of this anxiety, by removing the mystery of the situation which confronts you, while, at the same time, educating you on how to use my office in the most efficient way.

Allow me to proceed:

COMMUNICATION BETWEEN A LAWYER AND CLIENT

Communication with my clients is very important. I dedicate a significant amount of time and resources to facilitating good communication with my clients, at all hours of the day and night, 7 days per week. In furtherance of the same, I provide my clientele with my cell phone number, and my email address. Having said that, the phone and email are frequently my enemy. Allow me to explain.

Please remember that the most valuable time I have to prepare your case is frequently when I am off of the phone, on the computer, researching your case, performing investigation, preparing trial outlines, etc. Unfortunately, all of these tasks require that I be ***alone*** and OFF OF THE PHONE & EMAIL. Accordingly, frequent phone contact with me can actually detract from the quality of the work I provide for you. Days or weeks may pass wherein you have not been advised of case progress. Please do not assume that a lack of communication means that your case is not being prepared. I assure you, the opposite is true.

As a result, following the initial appointments, most of my communication with you will, in all probability, be through the use of cell phones and email. I try to make myself available to you 7 days per week. Having said this, I have to balance the interplay between communicating and

getting work done. Please keep in mind that a great majority of the time I spend on the phone with a client does not benefit my case preparation for that client. Accordingly, I find myself setting aside time blocks wherein I do not accept phone calls so that I can accomplish critical case preparation. Ironically, during times of the most important case preparation, my client contact is greatly reduced. I apologize for this.

Though I pride myself in excellent client communication, (& I believe my clients would support the idea that I return calls at all hours of the day and night in furtherance of our communication) I hope you will appreciate the fact that there may be a delay in my response to a phone call or an email out of respect to the hours I am dedicating in the preparation of your case. I will do everything I can to entertain your after-hour phone calls, however, I try to balance my family life with my professional life. Accordingly, there may be some after-hours communication which needs to be rescheduled.

As a result, client appointments will occur at select points in litigation, and more efficient phone calling and emailing will be preferred so that I can maximize the use of my time preparing your case. Walk-in appointments can rarely be accommodated, simply because my days tend to be choreographed dealing with hearings, jailhouse appointments, research, and the like. As I do all of my own calendaring, if you have an issue that you believe should be addressed in person, please phone me. I would greatly appreciate that you direct all possible questions to my assistant, Natalie, who can be reached on her cell phone, at 253-861-1804. Please try to limit phone calls to Natalie, to 8:00 a.m., through 5:00 pm., Monday through Friday. In the event of an emergency, she and I can be reached after hours. Further, be advised that I try to make myself available for "informal office hours" on Sunday evenings, after 7:00 p.m. During this time, I try to make myself available on my cell phone. I try to reserve Friday, at 5:00 p.m., through Sunday, at 8:00 a.m., for family time. I hope this time block can be respected, but if an emergency arises, please phone.

If I am in trial, my return calls will be confined to the noon hour recess and before and after work. Also, be advised that I frequently phone clients at about 7:00 a.m. and in the late afternoon, while I am commuting to and from the office. In addition, I sometimes call late at night after I complete my evening work sessions. If you have a particular time that you are unavailable, please inform me of the same.[1]

The last point I would like to make involving my cell phone is that I tend to use caller ID to make

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[1]. For example, you might not accept phone calls as early as 7:00 a.m. due to your work schedule. Please let me know about particulars involving your calendar and I will try to accommodate the same. It is not my intent to disturb you.

my return calls, before I listen to the voice mails. This saves me a great amount of time. Accordingly, ***if you phone me, and I do not answer, please stay close to your phone for a few minutes after your call, since I frequently call back within 5 minutes***. (For example, sometimes I am exiting a courtroom, or I am in the process of finishing a phone call, and I will rapidly return the call).

Finally, more and more, I am finding myself communicating with my clients through ***text messaging***. I frequently find myself waiting in courtrooms for my case to be called. As a result, sometimes I will answer my phone *whispering*. Since I frequently cannot accept phone calls while I am seated in a courtroom, I can respond via text messaging. I do, however, sometimes miss my text messages, so please re-text if there is a substantial delay in my text reply.

IN-CUSTODY CLIENTS

Clients who are in-custody should read the contents of this letter very carefully, in particular as it pertains to communication between client and attorney. It is much easier to communicate with a client who is out of custody. A crude reality of criminal defense is that maintaining communication with in-custody clientele is a great challenge. Undeniably, a criminal defense lawyer can provide a more effective defense to an out of custody client. Accordingly, we will have to work diligently to accommodate your in custody status.[2]

If you are in-custody, when attempting to phone my office, please keep in mind that I am typically not in the office during the work day. Accordingly, the best time to reach me is by phoning me at my office, collect, first thing in the morning, during the late morning, and the early afternoon (e.g., between the hours of 8:00 a.m. to 8:30 a.m., and again between the hours of 11:00 a.m. and noon, and between 1:00 p.m. and 1:30 p.m.). The reason for this schedule is that I typically get back from my morning hearings at about 11:00 a.m., and our office phone system cuts off at noon. Also, I do not leave for my afternoon hearings until about 1:20 p.m. If I am in trial, Please phone before 8:30 a.m., or after 4:15 p.m., since this is the only time that I am out of trial. Alternatively, I have in-custody clients who have mastered phoning me three-way, to my cell phone. I will do whatever I can to make myself available for phone calls from the jail.

If you phone my office and I am available, my staff will accept your call. If I am not in the office, or if I am unavailable, then my staff may not accept your call. In the event your call is not accepted, please try back again in 15 minutes to 30 minutes. Please keep in mind that my office

[2]. Clients who are incarcerated at the Federal Prison in SeaTac will find that this facility is very unfriendly to the schedules of defense lawyers. Communication will be difficult if you are incarcerated at this facility.

phones turn off at 5:00 p.m., so I will be unavailable to receive calls at the office after this time. My cell phone is on 24 hours per day.

You may also contact me in writing by sending letters to the address listed in my letterhead. I will respond to your inquiries promptly. Of late, the Federal Seatac facility allows emailing. I encourage you to use this method of communication.

I will do my best to respond to all inquiries you may have either in person or in writing. Since I do not have the luxury of being able to return phone calls to you, you will have to be tenacious in attempting to contact me during the listed time periods. Please keep in mind that the jail is open only during restrictive time periods, and frequently these time periods are when I am in court. Additionally, it takes a significant amount of time to get into the jail to see you. Accordingly, the difficulty of visiting with in-custody clients can take me away from performing critical work on your case. Visiting with in-custody clients takes hours because of travel and jail format. In particular, (for example) of you are incarcerated at the Federal Seatac Facility, or the Fort Lewis Stockade, even more time must be committed to visiting with you due to travel, and the protocol of those particular facilities.

Between us, we will learn to balance these issues, such that I can satisfy your concerns and keep you advised regarding the progress in your case. Please keep in mind that a trip to the jail to simply keep you advised of your case is a difficult proposition, since it can take in the neighborhood of 60 minutes to accomplish a 10 minute conversation with you. I have to allocate my time to case preparation, and somehow balance the time I spend keeping you up to date regarding case preparation, because the latter does little or nothing for the ultimate outcome of your case.

CASE SCHEDULE

In Pierce County, and in most counties, the case calendar follows a schedule which includes a ***pretrial conference***, an ***omnibus hearing***, and a ***trial date***. Pierce County has recently added a ***Status Conference*** to its list of time-wasting hearings.[3] Though not all counties call these

[3]. You will come to learn that the courthouse is a huge waste of time. Most, if not all, of the productive activity in a case, ***in the courthouse***, takes place ***outside*** the courtroom, e.g., phone & hallway conferences with prosecutors, and the like. Notwithstanding the same, it seems to be the tendency of judges in all jurisdictions to increase the number of hearings in an attempt to micro manage the cases before them. I apologize for this waste of time, but please understand I am a small part of a very big puzzle.

hearings by this same name, the hearings basically follow the same format in substance. (For example, in Thurston County, the hearing following arraignment is called the "Pretrial/Omnibus" hearing, and in King County it is called the "Case Scheduling" hearing). Typically, you can expect the following hearings, in the following progression:[4]

- **PRETRIAL CONFERENCE**: A pretrial conference, before Superior Court (and the District Court or the Municipal Court) is typically a hearing reserved for scheduling hearings. Typically, the only purpose of the hearing is to fill out a one page "Scheduling Order", which will set an omnibus date and a trial date. Other hearings may also be set, such as bail hearings and the like. Theoretically, the hearing is designed to force prosecutors or city attorneys to discuss the case with defense lawyers, to facilitate resolution of the case. Having said that, rarely is anything accomplished at the first pretrial hearing, since the exchange of discovery (police reports and the like) is not yet complete.

- **OMNIBUS HEARING**: It is impossible to define an omnibus hearing. The Latin root word "omni," has a literal translation of, "*for many purposes*". Omnibus Hearings resemble this general definition. I have had cases with multiple "OH's" in a single case, and each hearing was different. Suffice it to say, most Omnibus Hearings relate to discovery issues. They obligate both the State and the Defense to produce certain material pursuant to a particular schedule. Other common issues are the suppression of confessions and seized contraband/physical evidence, and/or the suppression of an out of court identification can also be addressed or scheduled.

- **TRIAL DATE**: Trials proceed either before a judge or jury. At the risk of addressing the obvious, the outcome of a trial is determinative of the case. County-wide, approximately 95% to 97% of criminal cases charged do **not** proceed to trial. The two principal options to trial are a plea agreement or a dismissal (with or without prejudice).

A ***continuation***, or change/modification in court calendar, results in almost every case. In fact, I cannot recall a case (of mine or any other lawyer of which I am aware) which proceeded consistent with the original calendar. The case calendar will be decided as the case progresses.

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[4]. If I am representing you in a courts-martial, there is a completely different nomenclature which applies, though the hearings follow the same sort of substantive purpose, e.g., there is no civilian equivalent to the Military's ***Article 32 Hearing***. Accordingly, we will have to work through the process with a bit more explanation than this letter provides.

Sometimes it will seem that there will be significant waiting at your hearings. This is principally attributable to three things. ***First***, prosecutors have an immense case load, and both defense lawyers and prosecutors commonly have more than one hearing, in more than one courtroom, on any given day. Getting the prosecutor and defense lawyer to be in the same place can take time. ***Second***, if I have the good fortune to grab the prosecutor's ear on a date calendared for a hearing, I will seize the moment to work on your case. I apologize for any delay at the courthouse, however, please remember that the judicial system tends to work slowly to accommodate the deliberate resolve we all hope the system provides to the cases before it. In any event, I apologize for the inevitable delay that will result during your hearings.[5] ***Third***, try to stay near the courtroom on hearing day, no matter the delay. Inevitably, if you leave to take a smoke break, or for any other reason, no doubt this is when I will come rushing into the courtroom looking for you. If you are not there, a significantly greater delay will result.

Finally, ***attendance*** at the above court hearings is **required**, except in the extraordinary case, when the Court or opposing counsel has pre-approved a waiver of appearance. **When in doubt, appear for your hearing**. Computer dockets are available on the Internet. In the end, the Court will hold you responsible if you do not appear. If you have any doubt, call either myself or my assistant. My assistant can be reached on the office cellular, at 253-861-1804. I will appreciate if you call my assistant first, to resolve issues of scheduling.

CLIENTS BEING MONITORED BY PROBATION OFFICERS AND/OR CLIENTS BEING MONITORED WHILE ON PRETRIAL RELEASE

Any/all questions regarding protocol to be followed while on pretrial or post-trial release should be directed to your assigned community corrections officer (probation officer) and/or your pretrial services officer, respectively. Any issues which may arise as a result of restrictions being placed upon you, insofar as they may prevent you from maintaining your employment, should be addressed to me, e.g., geographic travel restrictions, curfews, or the like. I will promptly address them to your supervising officer.

Notwithstanding advice which you may be given by Pretrial Services, if your case involves a listed victim (such as in a sex case, robbery case, murder case, or the like) I would appreciate you adhering to the following. Please buy a notebook and keep a daily diary of your activities, to include the location of said activities, and a list of persons with whom you engage in said

[5]. The greatest weapon employed to avoid delay is to get to the hearing ***early***. I frequently phone clients the night before their hearings, encouraging clients to get to the courtroom at/before 8:30 a.m. I will try to coordinate with the prosecutor to take our case first, before the inevitable courtroom back up.

activity. I also want you to detail the exact time you begin and end each activity. I suggest that you do not spend time by yourself so that your activity can be verified. At very least I would like you to be somewhere, where your presence can be verified by a third person, 24 hours per day. You might even go to the extent of having whoever you are with contemporaneously initial your journal entry for the respective time period. This will allow you to verify your whereabouts 24 hours per day, should the victim, or the victim's family, attempt to make up an allegation against you.

You should also maintain this journal for purposes of dealing with probation. Remember, your probation officer has a massive case load. It is not uncommon that probation officers will recall, incorrectly, your compliance with the terms of your probation. Accordingly, documentation of your whereabouts, and your activities, may come in handy if probation's memory is different than yours.

You must understand that a violation of pre or post-trial conditions will land you back in jail. Accordingly, though your memory will fade, if an issue arises alleging that you have engaged in conduct which violates conditions of release (e.g., harassing a victim, not keeping in contact with a PO, etc.) the person initialing your journal will be able to verify your whereabouts, thus nullifying such false allegations. It goes without saying that should you see any of the listed victims, or their family or friends, **<u>turn and run in the other direction</u>**! I can't tell you the number of times I have had false allegations made against my clients, such as threats to witnesses or tampering with witnesses, due to fabricated or benign contact. Please guard your conduct, and never be in the location of witnesses unless you have my express permission.

I am happy to say that most of the employees in pretrial services and in the community corrections office are very good people who will work with us as long as you are showing an appropriate effort. In any event, keep your officer on your good side since he/she is your "new *best friend*."

MAINTAINING YOUR SILENCE, AND YOUR ATTORNEY-CLIENT PRIVILEGE

Most importantly, do not speak with **anyone** about your case without my prior approval. Should anyone attempt to speak with you, blame it on me that you cannot speak with them, i.e., tell them that your lawyer has insisted you not speak with anyone about your case. If you are contacted by law enforcement, about this case, or any other issue, you adamantly explain that you are represented by counsel, and "***on advise of counsel, you are exercising your right to remain silent***". Give them my cell number and tell them to call me. No matter their threat, do not speak with police. In the past, I have had clients attempt to interject their judgment into the case preparation. On rare occasion, they have taken such extreme steps as contacting the prosecutor, the judge, or law enforcement associated with the case. I implore you to NEVER engage in such

tactics. They are imprudent at best. At very least, please communicate with me prior to entertaining such an idea.

The previous admonition applies not only to this case, but to future issues as well. Please keep one of my cards on your person, and use the advisement on the back of the card as a tool in dealing with law enforcement. As we have discussed, this advisement is effectively a policeman's rights form, and they must follow and honor it or their investigation can be imperilled in a court of law. Again, I don't care what you are threatened with, **DO NOT SPEAK WITH LAW ENFORCEMENT**.[6]

At this point, it is appropriate to digress. I have great regard for law enforcement. I never lose sight of the fact that, in reviewing case histories, frequently law enforcement places itself in harm's way for the betterment of society. I have many close friends who carry a badge, and I am very thankful for the service they perform for the community. As a defense lawyer, however, I have to be concerned with your rights beyond all other considerations.

Always remember that law enforcement's intent is to question you about a criminal allegation/investigation. This prior consideration may well exceed concern for your best interests. No matter what you say to an investigating officer, should the focus of their investigation turn in your direction, **YOUR STATEMENTS WILL BE USED AGAINST YOU IN A COURTROOM!**[7] The primary concern of law enforcement is pursuing their

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[6]. My observations of law enforcement over 25 years allows me to conclude that the most common ruses/themes in which law enforcement will engage in the psychological techniques to get you to talk are: (1) good guy-bad guy, (2) you better talk to us because there's a guy in the next room spilling his guts about you, (3) either talk to us or we can't help you, (4) you're a liar and we know it, (5) talk to us or we'll take you to jail, (6) pursuant to the Reid theory of interrogation, they will break you down and then provide you with themes on how to vindicate yourself, when in fact these themes will indict you, etc. Please remember these are trained professionals when it comes to interrogation. Do not fight their fight, you will lose.

[7]. I am reminded of the nationally televised investigation into the "Runaway Bride" story from several years ago. In that case, police interrogated the groom for hours. Thereafter, police held a news conference stating that the groom was a primary suspect due to the inconsistencies in his statement. Several weeks later, however, the bride surfaced, and everything the groom said ended up being true.

investigation, notwithstanding its impact on you. I am not attributing blame or suggesting mal-intent on the part of law enforcement, but whether you think you might be a suspect or just a witness, there is **no harm in delaying a conversation with law enforcement** until you have had time to ***consult*** with me or some other attorney. Keep in mind that it is an objective of some investigators to get you to talk to them prior to you obtaining counsel.

In conclusion, I have seen many God-awful results coming from communication with law enforcement.[8] On several occasions, I have seen charges preferred against people, despite an ultimate determination that they were innocent, based solely on information received during such a statement to law enforcement. Whereas, it is not my intent to suggest that law enforcement officers are dishonest or that they operate with evil motives, there is absolutely no harm in a slight delay in giving your statement until you have had the time to speak with counsel.

The Washington Courts, and United States Supreme Court, support this position, that you not speak with law enforcement. State v. Royer, (Wash.App. 1990), 58 Wn.App. 778, 794 P.2d 1325) and *Wainwright vs. Greenfield*, 106 S.Ct. 634, 474 U.S. 284 (1986). No jury will ever be able to hear that you exercised your right to remain silent. There is no downside to keeping quiet. If police are going to arrest you, you will not talk your way out of it. If law enforcement needs to speak with you, there is no downside to delaying such a conversation until such time as you have had the opportunity to consult with counsel.

Be advised that any communication made between my client and I (and my staff and my investigator) is "***privileged***", i.e., neither one of us can ever be compelled to speak about it. Any comment made between an attorney/staff/investigator and client, which is overheard by a third party, or any comment made by a client to another person, does not fall within this privilege. This kind of statement can be compelled to be repeated in front of a court. Suffice it to say that any statement made about a law suit, outside of the strict confines of our "privileged relationship" with your counsel should be done only with the utmost care.

The bride just got cold feet and disappeared. I often wondered what would have happened to the groom had the bride not decided to call in from New Mexico.

[8]. I have also seen many good things coming from law enforcement contact, however, I have to prepare for, and advise for, a worst case scenario. As we all know, some of the people who are being investigated by law enforcement have committed crimes, and law enforcement has a justifiable concern in investigating these people. Having said that, there is no harm in a short delay in providing a statement until you have had such time as to counsel with a lawyer.

CLIENT INVOLVEMENT IN LITIGATION

Without exception, the most important thing that a client can do to help their own case is to assist in the preparation of the case, and to provide requested information. I tend to rely very heavily on my clients, in particular, for information. I will request that you prepare for me a detailed "chronology" of events relative to the allegation/case at bar. Please provide as much background information as possible, not only insofar as it pertains to the substantive allegation, but also as it relates to bias of witnesses, the extent of your relationship with various witnesses, etc. At the top of these documents, please write, "prepared for my attorney, Bryan G. Hershman." I will also have you read through your discovery (e.g., police reports, witness statements, crime lab reports, etc.) and provide me with written notes regarding the same.

In many ways, you and I are partners in your litigation. Stage one of any legal process is ***information gathering***, and I ***require*** your help in this regard. I did not live the series of events leading up to this litigation, you did. You must prepare a very detailed statement of your side of the story (i.e., a ***chronology***). I also need a ***witness list*** with the name, address and phone number (and all other contact information) of everyone who has information regarding this case. I would appreciate it if you could even provide me with names of persons who you believe will have evidence detrimental to our case, starting with the name of any potential victims, to include their friends, family, etc. You may include second and third-hand hearsay in this statement. Please do not exclude giving me any information because you think it might be inadmissible at trial. Information relevant to an investigation is a much broader category of evidence than what might be admissible at trial. In any event, there is a bit of an art to making helpful evidence admissible.

I suggest you get together with your family and closest friends to seek out information for purposes of preparing this chronology and witness list You may also provide me with any documentary information which corroborates your version, e.g., photographs, phone bills, receipts, etc. DO NOT include anyone in the preparation of this chronology/witness list who would violate your confidence or in any way notify the "other side" as to our trial preparation! I require this information in the very near future. Please keep me advised as to your progress relative to this matter. If you have questions about the preparation of these documents, please contact me. On last thought. Please DO NOT CONTACT any witnesses until we have spoken. There are numerous reasons for this, not the least of which being that you could be charged with ***Witness Tampering***.

THE PROSECUTOR, POLICE AND JUDGE AS ENEMY

Based largely on misconceptions cultivated in the media,[9] there is an unfounded belief that an adversarial relationship exists between defense lawyers, and the evil prosecutor or police officer, or that judges are insensitive to issues of guilt and innocense. It would be something short of truthful if I suggested that I did not have favorites when it comes to prosecutors, detectives or judges. Having said that, the prosecutor's office is dominated by decent people who care about their job and their duty to the public. They try to balance the interests of a victim, who accurately or inaccurately is pointing a finger at my client, against the concern that they may be prosecuting an innocent person. Similarly, the Pierce County Bench is dominated (for the most part) by highly qualified people who try to balance the law with the facts, along with the equities of a case. Strange at it may seem, I have long felt my best friend in litigation is the opposing counsel. Similarly, I perceive that I work ***with*** a judge during the trial process, not against them. Even more importantly, on numerous occasions, law enforcement has come to my aid in defending my client by adhering to their duty to investigate theories which exonerate my client as well as theories which might convict him/her. It is my experience that the vast majority of law enforcement officers pursue ALL evidence in their investigation, notwithstanding the fact that said evidence may help the defense. Rarely do I perceive myself to be at odds with the motives of law enforcement. On the contrary, I have long tried to arrange my defense theory to be in comport with the theory of the State's investigators.

The preceding comments about judges, prosecutor and police are important for two reasons. ***First***, though there are exceptions to these generalities, simply put, I do not want you to increase your anxiety about your litigation based on a misplaced animosity toward the judge or the prosecutor. I have seen clients become so consumed with hatred for the judge and/or prosecutor or police that it mitigates their usefulness to me in preparing their case. ***Second***, you must always keep in mind that this is an imperfect system that routinely encounters defendant's who believe they are innocent, with complaining witnesses who believe they are guilty. Further, it is hardly uncommon that the litigants (e.g., defendant and/or complaining witness) are lying about the fact before the Court. In the middle of these opposing viewpoints stand the defense lawyers, judges, prosecutors and police, who are handed the task of determining who is telling the truth and/or who is being inadvertently or advertently inaccurate. This is an unenviable model at best. In the end, sometimes clients question why I seem to get along with the judge, the prosecutor, and/or the police. The answer is simple; I believe the courtroom demands intense respect for all who enter, whether it be my opposing counsel, the judge, the opposing witnesses, law enforcement, or the like. Anger and disrespect is counterproductive to the courtroom process.

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[9]. There seems to be a proliferation of law-related television shows, of late.

CONCLUSION

If your case proves to be similar to those before it, I anticipate this litigation will result in a wide swing of emotions, ranging from fear to elation, only to return to anxiety. You will find this to be a very manic experience. I will do everything I can to see to it that a satisfying resolution to your case is achieved. My staff and I will also do everything we can to minimize the trauma associated with litigation.

There are no doubt many other issues not addressed in this letter that I would like to discuss with you, and there is plenty of time for this. There is no letter which can deal with all of the possible contingencies. I assure you that your case will proceed with a schedule that will benefit our discovery process/information gathering, always keeping in mind that the State, and all of its resources typically has hundreds of man hours into an investigation before my office is ever notified of the subject charges. As such, we may need a little extra time to catch up.

I have never been able to separate the emotion of this profession, from the job itself. I am not impervious to the idea that you are engaged in one of the most critical and ominous time periods of your life. I try to be as sensitive to this fact as possible. What is sometimes not understood is that this litigation can be an emotional and nerve-racking experience for me as well. You may have confidence in knowing that, as your counsel, I pace the floor at night, right along with you. Please have confidence in your counsel and the legal justice system that a fair and amicable resolution will be reached in your case.

In excess of 95% of my clientele comes from referrals from my other clients. I take this as the greatest of all professional compliments. I believe this to be directly indicative of the outstanding relationship I develop with my clients, along with the satisfaction my clients feel regarding my services rendered at case's end. I take great pride in this fact. I begin this endeavor (your litigation) confident that at case's end, your feelings will be consistent with this paradigm.

As always, if you have questions or concerns, I look forward to addressing them.

Very Truly Yours,

Bryan G. Hershman, Esquire