

The background is a blurred collage of comic book art. On the left, Daredevil is depicted in his red suit, holding a pair of golden scales of justice. On the right, Jessica Jones is shown in her white tank top and blue corset. In the center, there is a white rectangular area with the text 'EXPLICIT CONTENT' in a black box, and below it, the names 'BENDIS' and 'GAYDOS' in bold black letters. The overall image has a soft, semi-transparent effect.

# Blind Justice on the Rocks

The Law of Daredevil and Jessica Jones

Neel Chatterjee, Esq.  
Joshua Gilliland, Esq.

# On the Docket

Attorney Ethics

Challenges for Small Firms

Duty of Competency

Disbarment

Matt Murdock

Jeri Hogarth

Service of Process

Self-Defense

Insanity Defense

Punisher Trial





**Malpractice Insurance?**

**Check.**

**Legal Research Account?**

**Check.**

**IOLTA Account?**

**Check.**

Starting a Law Firm

# Client Solicitation



# Competency

Would Matt and Foggy be effective counsel for Karen Page with only being admitted to the NY Bar hours before representing her?



# 6th Amendment Right

Test: Reasonably competent and effective representation under the 6<sup>th</sup> Amendment.

Persons accused of crime are entitled not merely to counsel's presence but to effective assistance of counsel, and that effective assistance means assistance "within the range of competence demanded of attorneys in criminal cases."

*Cooper v. Fitzharris*, 586 F.2d 1325, 1328-29 (9th Cir. 1978), citing *McMann v. Richardson*, 90 S. Ct. 1441, 1449 (1970).



**Nelson &  
Murdock  
Effective  
Counsel?**

# Duty of Competency

Would Jeri Hogarth Do  
Criminal Defense,  
Personal Injury, and  
Patent Law?

ALIAS  
INVESTIGATIONS





Is it Cool to Get Client Leads  
from the Police for Bribes?

# Who Would be Disbarred?



# Is Vigilantism Creative Community Service?




A lawyer who is convicted of a felony will cease to be an attorney or competent to practice law in New York. NY CLS Jud § 90(4)(a) and (4)(e).

# Defense of Others

*A person may...use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person*

NY CLS Penal § 35.15.



- 
- Wait... Can a Lawyer:
- 1) Discredit Clients on the Radio?
  - 2) Hire a PI to Rough Up Her Spouse?
  - 3) Have a Client's Aborted Fetus Be Used for Medical Experiments Without Client Consent?

Should Jeri Hogarth Be Disbarred?

# Marci Stahl, Esq.



Ethical issues with disclosing Wilson Fisk's Confidential Information to Nelson & Murdock

CIVIL COURT OF THE CITY OF NEW YORK  
County of Manhattan

Index No. 616-030763

Part

GINGER CHARDONNAY

-against-

GREGORY SPHEREOS, GLITTER DREAM

State of New York, County of Ma

JESSICA JONES

*(Name of Server)*

I am over 18 years of age

At 8:47 pm AM/PM, 19/  
*(Time)* *(Date)*

in the County of Manhattan

*(Name of County)*

SUMMONS WITH ENDORSED CO

AFFIDAVIT OF SERVICE  
OF SUMMONS WITH  
ENDORSED COMPLAINT  
(Personal Delivery)

**You've Been  
Served!  
Now Let Me  
Take a Selfie.**

fully sworn, deposes and says:

Avenue of the Americas  
*(Address)*

of New York, I served the attached

GREGORY SPHEREOS

*(Name of Defendant as shown above)*





### **Test for Clergy Privilege**

**The communication must:**

- 1) it must be confidential;**
- 2) it must be made to a minister or clergy member acting in a professional character as a spiritual advisor;**
- 3) it must be made for the purpose of seeking spiritual advice or religious counsel; and**
- 4) it must not be waived by the person making the confidential statement.**

**People v. Harris (Sup.Ct.) 934 N.Y.S.2d 639, 645.**

**Can Father Lantom Be Forced to Testify?**





**Wait...The Defense Has to Prove Self-Defense,  
not the Prosecution Proving It Wasn't.**

**Trial of John Healy**

**A person can “use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person.”**

**NY CLS Penal § 35.15(1).**



# Law on Self-Defense

# Subjective State of Mind

What Do You  
Mean the  
**DEFENDANT**  
Should Testify?

*To pass the subjective test, counsel will probably need to call the defendant as a witness to testify as to his state of mind when he committed the criminal act. **The defendant's testimony would be able to establish how the defendant perceived the situation**, e.g. what he saw the victim doing, what he heard the victim saying, what he knew about the victim's propensity for violence, and the fear the defendant experienced about an imminent danger to himself or another.*

Judge Alan D. Marrus

Justification —What Is Reasonable Belief? By Alan D. Marrus, Acting Supreme Court Justice, Kings County, New York., General Editor, John M. Castellano, Esq., Member of New York Bar, NY CLS Penal § 35.15, Practice Insights



# “Hope” for the Insanity Defense

Did those who were

“Kilgraved” not understand:

- 1) The nature and consequences of their criminal conduct; or
- 2) Understanding that such conduct was wrong.

NY CLS Penal § 40.15.



**KILGRAVE  
MADE ME  
DO IT.**



How Can a Lawyer  
Prove to a Jury  
Someone was “Kilgraved”?

No “Mind Control” Cases



When Does  
Self-Defense  
Turn Into Murder?

**Did Karen Page Act in Self Defense?**

# Killing Kilgrave

***DOES THE  
DEFENSE OF OTHERS  
JUSTIFY GOING ALL  
MAN OF STEEL ON ME?***





**WHICH ARGUMENT WINS:**

**DEFENSE OF OTHERS**

**OR**

**INSANITY DEFENSE?**

***DEFENDING PAM FOR KILLING WENDY.***




# Kingpin of Crime

Possible Charges Against  
Wilson Fisk:

RICO

Conspiracy, Murder, Fraud,  
Tax, Terrorism, Bribery,  
Unlawful Evictions, and on  
and on...





**So...Are You  
Aiding and Abetting If You  
Know There is Crime Happening,  
but Avoid Knowing  
What Crimes?**

**Can Vanessa be Charged under RICO?**

# War of the Purple Roses

**Can A Wife Extort 90% of a Spouse's Income to Cover-Up a Crime in a Divorce Agreement?**



# People v Frank Castle



What's Up with the DA Violating the Constitution?

# Trial Advocacy



Did Matt Murdock Violate the Duty of Loyalty?

# Does the Attorney-Client Privilege Apply to Karen and Frank's Discussions?



Hey, Is It Cool for the  
Legal Assistant to Give  
Legal Advice to a Defendant?

# Attorney Ethics

Can Foggy and Matt have a  
“Sympathetic Storming” Case  
Theory When Castle Does Not  
Want a PTSD Defense?



# Battle of Experts

**Goal: Expert Establish Frank Castle has form of “Sympathetic Storming” for the Insanity Defense**

**Impeach State Witness or Get Him to Agree**



# What is the Danger of Col. Ray Schoonover as a Character Witness?



Not Like The State Can Offer Evidence of Bad Character...



YES, I ALWAYS FEEL  
I'M IN A STATE OF AGITATION.

Questioning the Punisher

# Focus on Frank Castle's Humanity

What happened to your wife at the park?

What happened to your daughter?

What happened to your son?

What happened to you?

////

Who were the Dogs of Hell?

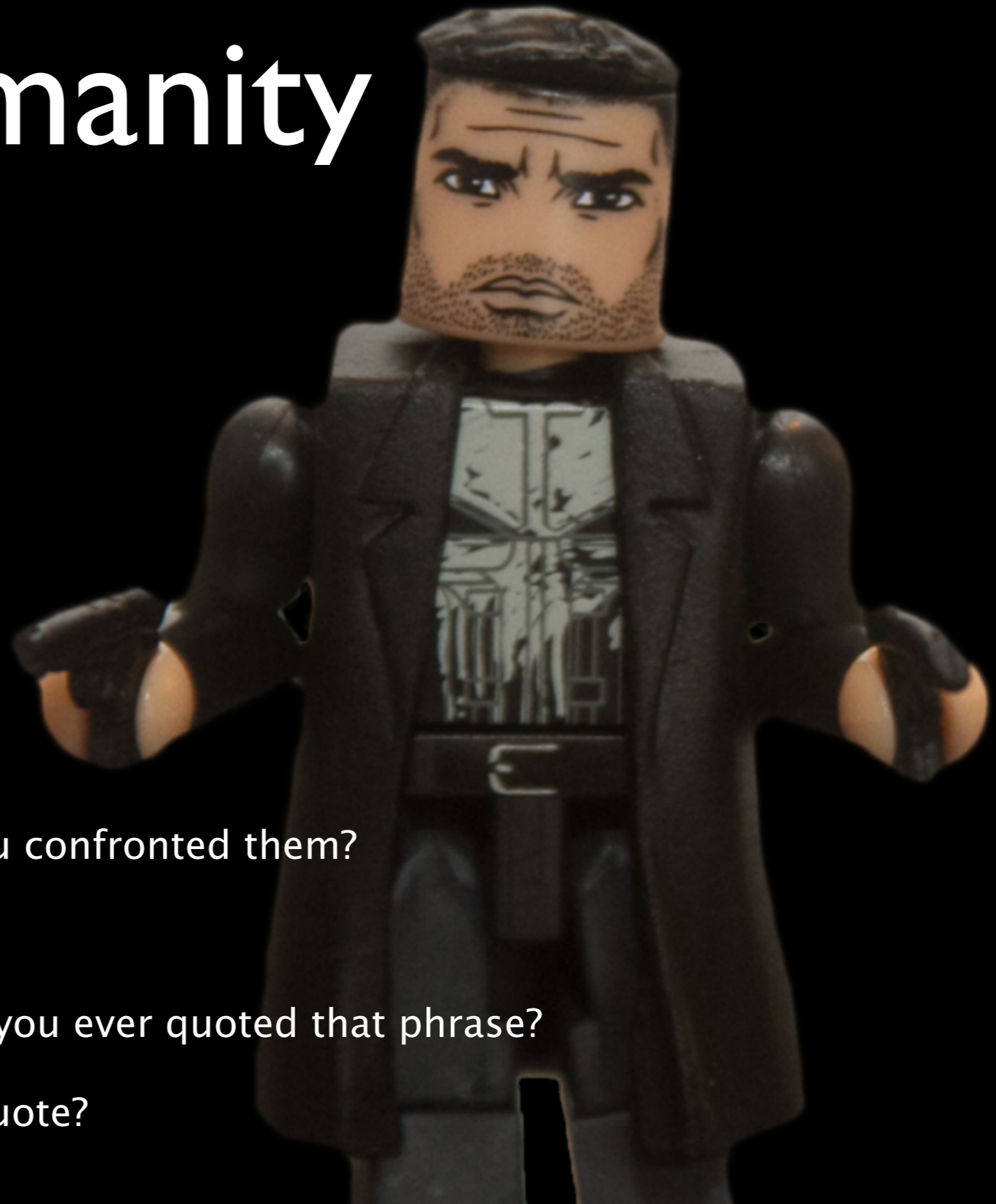
Why did you confront the Dogs of Hell?

What were the Dogs of Hell doing when you confronted them?

////

Going back to your daughter's book, have you ever quoted that phrase?

What are the specific times you said that quote?



Questions?

# Thank You

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