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## The Buried Bodies Case: Alive and Well after Thirty Years

Lisa G. Lerman,<sup>1</sup> Frank H. Armani,<sup>2</sup> Thomas D. Morgan,<sup>3</sup> and Monroe H. Freedman<sup>4</sup>

*Over thirty years ago, two lawyers represented an accused murderer who told them he had killed other teenagers and where their bodies were. The lawyers' struggle to protect these confidences earned them criminal charges, a disciplinary investigation, death threats, ostracism within their community, and extensive damage to their law practices. The case remains a central one in legal ethics instruction. What follows is an edited transcript of a panel discussion at the 33<sup>rd</sup> ABA National Conference on Professional Responsibility that re-examined the case and its impact.*

**Lisa Lerman:** Thirty years ago in upstate New York, two lawyers became embroiled in one of the most troubling and most memorable ethical dilemmas ever to have confronted American lawyers. Most people know the case by the name the court gave it, which is *In re Belge*. I know that this case is familiar probably to almost all of you, but I start with a brief factual synopsis.

Frank Armani and Frank Belge agreed to represent a fellow named Robert Garrow, who was charged with the murder of a teenage boy named Phillip Dombleski. During the course of their work on the matter, the lawyers learned that Garrow had actually killed Dombleski and had killed some other teenagers also. Eventually Garrow told the lawyers where he had left the bodies of two of his victims, Alicia Hauck and Susan Petz. To verify this information, the lawyers went to the sites that Garrow had identified and found and photographed the remains of the two girls. Meanwhile the families of the victims and the community were putting increasing pressure on the lawyers to reveal whatever their client might have told them. But the lawyers took very seriously the oath that they had taken when they were sworn into the bar to protect their clients' confidences, so they kept the information to themselves.

Eventually Garrow was tried for the Dombleski murder. His testimony was

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1. Lisa G. Lerman is Professor of Law and Coordinator of Clinical Programs at the Catholic University of America, Columbus School of Law. She was chair of the planning committee for the 33rd National Conference on Professional Responsibility in Chicago. I gratefully acknowledge the assistance of Kaitlyn E. Helling, who transcribed the recording of this session, and of David Luce, who transferred the audiotape to a CD.

2. Frank H. Armani is an attorney who practiced in Syracuse, New York.

3. Thomas D. Morgan is Oppenheim Professor of Antitrust and Trade Regulation Law at The George Washington University Law School.

4. Monroe H. Freedman is Professor of Law at Hofstra University School of Law.

offered as part of an effort to prove that he was “not guilty by reason of insanity.” On the stand he admitted to the other murders. At that point it became apparent that the two lawyers had known and concealed this information for some time. The parents of the victims and the community where they were practicing law were furious with the lawyers. Their colleagues deserted them. Their practices dried up. Their families had to leave town for their own protection. There were death threats against the lawyers and their families.

One result of this chaos was that a grand jury was convened to consider bringing criminal charges against the lawyers for failure to report the location of a dead body. Francis Belge was indicted; Frank Armani was not. Both lawyers became the targets of a disciplinary investigation. Although the lawyers eventually were exonerated, the Garrow case had devastating consequences for them for decades.

All of this happened in the early 1970s when the legal profession was coming under a new kind of scrutiny because of the Watergate scandal. Americans were shocked to watch a large number of high ranking federal government lawyers marched off to prison for the various things they had done in the Watergate matter, up to and including Attorney General John Mitchell. Partly in reaction to this scandal, the law schools started to require all the students to take courses in professional responsibility.

The Belge case took place just as materials were assembled for legal ethics courses. The case very quickly became a central piece of the professional responsibility teaching canon. Many other cases that were taught at that time have faded from memory, but this case continues to fascinate law students and faculty not only in the United States, but all over the world. Just a couple of examples: I found some photos from the Garrow case on the Internet on the Web site of a German professor. Also, I was teaching the case to a group of Polish law students last year, and some of the students said they had already studied the case in a Polish philosophy class. This afternoon we will take a fresh look at the case, think about why it remains so compelling, and consider what it has contributed to our professions evolving ideas about confidentiality.

I can't tell you how honored and delighted I am to introduce to you Mr. Frank Armani, who is sitting next to me, and Mary Armani, who is Frank's wife, who has many memories about the case. We persuaded her to sit up front with us as long as everybody agrees not to put her on the spot. The Armanis have come all the way from Syracuse to share some recollections about the case.

I got to know Frank a few years ago when I was working on a professional responsibility textbook. I and my co-author contacted him to ask some questions. The more I learned about the case, the more deeply I have come to admire his candor and his integrity. Lots of academics hold up Atticus Finch to students as a professional role model. Frank Armani has some things in common with Atticus Finch: representing an unpopular client, taking risks in his professional life,

etcetera. But unlike Atticus Finch, Frank Armani is a real person.

Joining us to discuss the case this afternoon are Professors Tom Morgan and Monroe Freedman, who are two of the most respected and thoughtful teachers of Professional Responsibility in the United States. Both of them have been in this field long enough to remember learning about the case as it unfolded. Many of the teachers in the room have taught this case using a WETA documentary about the case that was made in the 1980s. We will show an excerpt to remind us of the story and to introduce us to some of the people who were involved. The film is called "Ethics on Trial." The interviewer is Fred Graham. Unfortunately it's out of print, but a lot of law libraries have a copy of it. So I'll show the tape and then we'll get some comments from Professors Morgan and Freedman about the tape.

[Professor Lerman plays video] . . . .

**Lerman:** Before we embark on a conversation with Frank Armani, Professor Freedman and Professor Morgan will put this case in context for us.

**Thomas Morgan:** Lisa asked me to put the buried bodies case into context. Why was it important initially and why does it remain important? I would suggest that this case occurred at a remarkable moment in time. As Lisa said, in part because of Watergate and in part because of the ABA's reaction to Watergate, the Bar was waking up to the idea of taking seriously what it is that lawyers are expected to do in the representation of various kinds of clients.

A number of us in law schools were also being awakened to the possibility that teaching and doing research in this area was worthwhile. It's easy to forget when we look at a room this size, but at the time, there was not nearly this kind of interest in legal ethics. Indeed, you can count on one or two hands the people who were really leaders in the field at the time. Monroe Freedman was clearly one of them, and there were people like John Sutton and Elliot Cheatham, Norman Redlich and Andy Kaufman who were active. I don't mean to disparage anybody else here who was working in this field back then, but it was a relatively small group. It was a moment when people were looking to understand why this was a field worth exploring, and the Armani case provided an immediacy and humanity to the presentation of ethical issues.

Also, it was a front page story to which everybody could relate. You can tell this story, at least the broad outlines of it, in 30 seconds or less, and everyone will understand the problem. It is the kind of story that puts into sharp relief the issues of what a lawyer's duties are.

Furthermore it is a story that has been recorded well. The Fred Graham tape has kept it alive in a way that few stories have been. I wish we had something comparable on *Spaulding v. Zimmerman*, for example. There is also a book that Frank co-wrote called Privileged Information<sup>5</sup>. For those of you who want to get further into this, it's available on Amazon.com. It's a marvelous story, a much

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5. TOM ALIBRANDI WITH FRANK H. ARMANI, *PRIVILEGED INFORMATION* (Dodd, Mead 1984).

richer story even than that presented in the Graham documentary, and I think it will make you even more convinced of the importance of the case. In addition, there are summaries of the story in other books. Richard Zitrin and Carol Langford wrote a chapter summarizing it,<sup>6</sup> and Lisa Lerman has a fairly extensive problem on it in her case book.<sup>7</sup> So it's a story that has been preserved well.

I suggest to you that there have been at least two significant consequences of the story for us in legal ethics. First, I think that much of the problem method of teaching legal ethics derives from the story. That is to say, at the time this field started to develop in '73, '74, & '75, the case books tended to be about unauthorized practice, unauthorized publicity, and to some extent Constitutional right to counsel issues. I won't say there wasn't anything else, but that was the core of legal ethics teaching. The books tended to use the case method, a very traditional format.

The Armani case caused people to see that one could transform a subject that had heretofore been dreary, dry, and not very popular into something that could capture students' attention. And for better or worse, well or not so well, law professors developing casebooks saw this as a method of thinking about concrete situations. You can get that from cases, of course — although there weren't all that many cases then — but one can also teach from hypothetical problems. I suggest that many if not most of the casebooks today have at least some problems that they use to try to achieve the kind of realism and understanding so clearly presented in the Armani story.

Further, the case has contributed to one of the main exceptions to confidentiality, the Rule 1.6(a) exception for death and substantial bodily injury. Monroe has articles in the readings for this session that address that issue. One of the questions in this case early on was: suppose the girls had been alive when Frank Armani and Francis Belge discovered them? It turned out that that was a completely theoretical point; they weren't alive, and there wasn't any question about that. But the issue of what the lawyers should have done if the girls had been alive was an issue that people could grasp immediately. Monroe can take great credit for leading the ALI and then the ABA to see that in that case the lawyers' ability to disclose would have been different. The Rule 1.6(a) provision to that effect has now become a part of accepted law.

So I suggest to you that this case is not simply an interesting footnote. It is a central case in the development of our understanding and appreciation of what it means to be a lawyer. And I think that we all have reflected by our applause this morning the appreciation we have of Frank and Mary being here to help us understand their story better.

**Monroe Freedman:** Last night at dinner, Frank asked me why I am commit-

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6. RICHARD A. ZITRIN AND CAROL M. LANGFORD, *THE MORAL COMPASS OF THE AMERICAN LAWYER* (Ballantine 1999).

7. LISA G. LERMAN AND PHILIP G. SCHRAG, *ETHICAL PROBLEMS IN THE PRACTICE OF LAW* (Aspen Law & Business 2005).

ted to zealous client-centered representation. It's something I have tried to address in a number of articles and books over the last 40 years. There are two sources for me. One of them is expressed in an article that I wrote titled *Lawyer's Ethics from a Jewish Perspective*. In that article I talked, among other things, about two of my role models—models of courage and compassion—Moses and Abraham.

God tells Moses, after the episode of the Golden Calf, that He is going to destroy the Jewish people. He says, "I will make of you a new nation." That is not good enough for Moses. He argues with God. He argues on behalf of people who are not worthy of it, people who have betrayed their covenant with God, betrayed His trust. And Moses says "You have a covenant. You have made promises." He says, "Besides that you are going to look like a fool. You rescue these people, and then it turns out they weren't even worth it, even in Your judgment." And he says, talk about courage, he says to the Master of the Universe, "If You destroy these people, blot my name out of Your book."

Abraham learns about Sodom and Gomorrah, that God is going to destroy the city because of the pervasive evil. We are talking again about bad people, thoroughly evil people. Yet Abraham argues with God, with courage and with compassion. Ultimately doesn't succeed, but he tries.

The other source of my sense of commitment to zealous, client-centered advocacy comes from the fact that before I got into lawyers' ethics, I was involved in civil rights and in civil liberties. I came into lawyers' ethics, therefore, with a commitment to the values of the Bill of Rights, in which the framers constitutionalized certain processes that would have to be due before the government could punish any one of us: the right to counsel, the privilege against self incrimination, the rights to confront witnesses and to call witnesses. These are values that protect the dignity and the autonomy of the individual. I think they are critical to maintaining a free society. In a free society, you serve the public and you act as an officer of the court by serving with dedication and zeal each individual one of us. I believe that's the only way that we can maintain a free society against the encroachments of an all-powerful government.

**Lerman:** Thank you, Tom and Monroe. Now we will have a conversation with Frank Armani. We thought we would try to talk about the story somewhat chronologically. I'll ask the first couple of questions. Anyone in the audience with a question should line up at the microphone and we will get to you as we can. If you have a question about something that happens at the end of the story, save it for a while.

So, Frank, how it was that you came to represent Robert Garrow? And how did you feel about having Garrow as a client?

**Armani:** The first time I met Garrow was around 1972. He had been in an auto accident. It was a minor accident. No big deal. He was concerned about one of the kids in the other car. The next time I saw Garrow was a few months later. His son got in trouble in school. I took care of that problem.

The next time I got a call about Garrow, he was down in the local jail, the public safety building. His wife calls me, and I go down to see him. He had picked up two Syracuse University students, a male and a female, who were hitchhiking up the hill to the campus. He picks them up and fortunately for them, they got out of it alive. But he was accused of threatening them, imprisoning them, and other charges. Also, there was a charge of possession of marijuana. The case comes up and I presented a statement that it belonged to the boy who was in the car. The students are away and I get it dismissed.

The next time I get a call from Garrow, it was shortly before the Dombrowski killing. I get a call that he is in the public safety building. He had taken two girls, young girls 10 or 11 years old if my recollection is correct, and he had them masturbate him and perform oral sex. Nice fellow...you know.

**Lerman:** Tell us a little more about what Garrow was like. I had a photo of him on my wall for a while. I think he looks really scary, but I gather that he had a wife, kids and a job.

**Armani:** Yes, he was married, had a wife, son, and a daughter. He was employed at a local bakery as a mechanic where he enjoyed a good reputation. He was a very powerfully built man. He was about 6 foot 2, I think, but the kind of a guy . . . if he came at you, you better have a 45. And he liked to play games with me whenever I talked with him. He never swore. I had to be careful when I talked to him because I swear.

**Lerman:** Let me ask another question. After Garrow told you that he had killed the other kids and told you where he had left their bodies, you and your co-counsel went to check it out. You went tromping around in the cemetery and the woods looking for them. My students always want to know why you did that.

**Armani:** Why? Well, three reasons. One, as a defense counsel, I always feel that I should know all the facts. But the main reason we searched was that the Petz girl might still have been be alive. Because he stashed her up . . . he would leave her tied up and with food. He had chains on her. We learned about this within a frame of survival time. That's the main thing. Third, we went to see/make sure what Garrow had said was true.

**Richard Zitrin:**<sup>8</sup> Hi. I had the privilege of meeting and talking to Frank the other night. It's a great privilege to meet him, since I have taught about his case for 30 years. And I wanted to just very briefly thank each member of the panel, including Mrs. Armani. Frank for taking the courageous stand that he did, Lisa for suggesting this program, Tom for setting the bar with a problems textbook that came out just about the time I started in 1977, and Monroe because, well Monroe for a whole host of reasons. I consider Monroe to be my mentor. Even though I didn't know him at the time, for writing about perjury and the trilemma, the only

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8. Richard A. Zitrin is Adjunct Professor at University of California, Hastings and is Director of Center for Applied Legal Ethics at the University of San Francisco School of Law. Also he is a partner in the San Francisco firm of Zitrin & Mastromonaco, LLP.

other thing of real spark that I could find to teach from in 1977 other than Frank's story about the buried bodies. So I really want to thank all of you from me personally and also to the extent these things relate to all of us, on behalf of all of us.

I do have a question. I actually have two questions. One relates to the beginning of the story, and the other one maybe I'll get to ask later because it relates to the very end, actually several years after the close of the story that we see on the video.

Of all the things that I've heard, read, or absorbed about legal ethics, the single most powerful may be the two things that Frank did. One: the extraordinary emotions that he showed in this interview, where at one point and I think really at a second point he's almost in tears. Maybe at some point, Frank, you'll tell about your own personal background and your brother. I don't know whether you want to get into that or not.

When Frank is asked by Fred Graham [why he didn't reveal what Garrow had told him, he said], "It's a question of which is the higher moral good." Not ethics versus morals. It's a very, very human response. Of all the things I've ever heard in this field, that maybe the most single powerful statement.

My question relates to the discovery of the bodies. Susan Petz was found in the abandoned mine shaft near Garrow's farm in the upper reaches of New York state. Alicia Hauck was found in the cemetery. Frank, you went to the mineshaft with Francis Belge. You did not go to the cemetery. My understanding is that Belge was indicted because he went to the cemetery and because he moved the skeletal remains of the Hauck body. This is months later when they found the second body. So why did you go to the mine shaft with Frank Belge and why did you refuse to go to the cemetery?

**Armani:** Well first of all, so you all know this, my guiding light and only ray of hope was the writings of Monroe Freedman. He was the only one that made any sense and gave me a possibility in my mind that we would come out of this thing okay because we had a bar issue going on as well as the indictment.

Let me answer your question first about why did I go to the mine shaft and not the cemetery. The mineshaft was in Mineville, New York. That is on the border of Vermont, practically. There is an old Republic mine up there, Iron...Republic Iron Works. From Plattsburg, where Garrow was, up in Champlain Valley Hospital after he was shot, to Mineville wasn't too bad of a trip. Now Syracuse is five hours from there. It's right in the center of New York. Belge and I did go to the Oakwood Cemetery, which is right adjoining Syracuse University to look for the Hauck girl, but we couldn't find it. Then Belge went back a few days later with a fellow who used to be our hunting guide, and the two of them found the body.

Now I'm speculating on why I was not billed and Belge was indicted. I had gone [for advice] to an Appellate division Judge, Frank Del Vecchio. Judge Del Vecchio is dead now. In the book I wanted to protect his anonymity, so I described him as a law professor. I knew the Judge from when I was a kid, and I'm walking by his office and I see Mary Lou Crowley, his personal secretary and principal law

clerk. I knew the Judge from when I was a kid, and I'm walking by his office and I see Mary Lou Crowley, his personal secretary and principal law clerk. (She was his brain, actually.) I said, "Marylou, can I see the Judge?", and she says, "Sure Frank. I think he's in the library. He always wants to see you." So I go in and I tell him, "We've got a little bet going, Judge, some of the guys... We got bet about—a lawyers got a client, and the client tells him different things. So can the lawyer reveal that because the DA wants to know about it?" He says, "What are you talking about? You know, you're smarter than that. That's Fifth and Sixth Amendment rights." And his reaction was actually: "Get the Hell out of here," you know. He thought I was wasting his time. He never even remembered the conversation. They subpoenaed him to appear before the Grand Jury. He had to call in Mary Lou to confirm that I had gone in to see him. I think that's why I didn't get indicted.

Also, Belge made the mistake of making a comment over at the bar to one of the District Attorneys that when he found the Hauck girl, the head was off about ten feet from the body and he moved it. Well I think that you all know that you can't touch evidence. You corrupt it.

**Lerman:** And Belge knew that too, didn't he? After all, he's a litigator

**Armani:** Yeah, he knew.

**Armani:** I don't know if it was the drink and he was just grandstanding ... I never saw the... He photographed it, but I never saw the picture of the Hauck girl. The other pictures, we both took shots of the Petz girl's leg in the mineshaft.

I was concerned about taking the pictures because photos are physical evidence. I destroyed those pictures. That concerned me. My office had been broken into several times in attempts to get at our file. But I never kept that file in my office, or those photographs.

**Lerman:** I want to get the questions that are up there, but first let me just ask you one thing. Frank Belge was not your law partner. He was your friend, right?

**Armani:** Yes.

**Lerman:** Tell us a bit about your relationship with him. I have the impression that this co-counsel relationship was not entirely harmonious.

**Armani:** Well first of all, he didn't want to get involved with the case, and I felt I needed someone who had a lot of guts. Frank was a flamboyant, wild guy, but pretty smart and a good lawyer. The first time I approached him, he refused it. Then I convinced him to go with me for a ride up to Champlain Valley Hospital. So he goes up there, and the state police let me in, but they wouldn't let him in, and he started to barge by them. Frank was a pretty hefty kid. Two troopers grab him, slam him up against the wall. He says Frank, "I'm in the case." So I told the sergeant, you better call the major because he's my co-counsel.

**Donald Joseph:**<sup>9</sup> Frank, the way the story comes out. It's like you knew exactly what he was saying about these two women, that he had told you "I killed

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9. Donald Joseph is Visiting Associate Professor at Rutgers University School of Law-Camden.

them.” Now that is not the way I understand it. How did you learn about the other murders from him, and what was he like discussing these other murders?

**Armani:** At first, I couldn’t get anything from Mr. Garrow. During one of our discussions, I asked him, “Robert would you like to try hypnosis?” I had done a little bit of hypnosis as a fun parlor game. And anyway, I put him under hypnosis. I left the suggestion with him that when he spoke with Belge he would be able to relieve his guilt. So I went back to the motel, and told Belge, “You go talk to him now.” I didn’t tell Belge I had done that. He would have gone out of his mind.

**Lerman:** Because he would have thought it was improper to hypnotize your client?

**Armani:** Yeah... So anyway, he tells Belge about where two of the bodies were. And he tells Belge about all of this, as far as the two girls are concerned. That’s about it.

**Joseph:** Yeah. As I recall from the book, Garrow was speaking in kind of metaphors. That he really didn’t...he drew a diagram that wasn’t...that...that...It was all somewhat interpretive to...to find out what he was really saying. Am I incorrect about that?

**Armani:** No... Garrow would never talk to me directly about the murders. He would refer to the victims as “it.” I hid “it”. But he... You know he...he purged his soul with Belge though.

**Lerman:** So did you...since he wasn’t speaking very directly, were you at all tempted to say “I don’t want to know anymore about this?”

**Armani:** No. When you’re in, you’re in. First of all, once you’re in, I don’t know how you get out of a case. You have to go to court and get permission and all that stuff. Plus the excitement of it, you know.

**Lerman:** Do you think that your judgment about what to do was affected by the fact that at least one of the girl’s parents were people you knew? Wasn’t Alicia Hauck’s sister in the same class with your daughter Dorina?

**Armani:** Yes.

**Lerman:** And the girl’s father worked at the courthouse, right?

**Armani:** Yes. I had known Mr. Hauck from calendar call. Prior to calendar call, a bunch of us would get together and have coffee down in the cafeteria in the courthouse basement. Mr. Hauck was employed there. And so we...I knew him that way. My daughter Dorina, who’s a lawyer today, was a Bishop Ludden High School classmate of Alicia Hauck’s sisters. And they lived in our neighborhood too, and went to the same Church I did, so it was quite a...I couldn’t never...He’d stop in the office and want to talk to me, and I’d sneak out that back door or I would not see him. I...I knew...I couldn’t trust myself with him.

Mr. Petz came in from Skokie, Illinois, to see me. I did tell him that I was scheduled to meet with the District Attorneys. And that’s when we tried to plea bargain the location of the bodies and everything for some kind of a deal with the District Attorneys. But they didn’t want to know anything about it.

**Lerman:** Why do you think the prosecutor rejected the idea of making a deal?

**Armani:** Well. I think DAs become funny people. They're no longer lawyers. They...They are imagining they're going to be governor.

**Lerman:** So you...so you think there was some ego involved there?

**Armani:** Oh yeah.

**Lerman:** And this was very notorious case.

**Armani:** You know, who's going to give up a trial where you got the guy cold?

**Lerman:** Right... So they rejected the deal, and the case went to trial. And I gather that your plan was to try to put on an insanity defense, but you had not intended to put your client on the stand. Can you tell us how Mr. Garrow actually wound up on the witness stand when the lead counsel didn't have that in mind?

**Armani:** I had been in Lake Pleasant, where the trial was taking place, in Hamilton County. Hamilton County didn't even have 10,000 residents. I drove home to Syracuse that weekend [about two hours' drive].

In preparing for the trial, I had subpoenaed and lined up different witnesses. I had a nun. I had a nurse. I had a fellow worker. They were all going to testify...and I had his parole officer subpoenaed. He was a model parolee. They were going to testify what a great guy he was.

And then, when I get back to the courthouse, I walk in, and Belge's got Garrow on the stand. So we had to call a recess then, and...

**Lerman:** So...so Belge didn't always consult you about important decisions in the case? And you were a little irritated with him right?

**Armani:** Yeah...Yeah

**Lerman:** Can you tell us what happened after that?

**Armani:** I'll tell you a story. We were skiing in Switzerland, and we...there was a ledge about that wide [gesturing]...We went across that ledge and I got out there and I froze. I started to slide, and I just froze there. So he coaxed me across. I get across and I abandon him up there. I ski straight on down and left him up in the mountain. They had to go up and get him. This was after the Garrow matter. But anyway...What happened...I mean we used to play games.

**Lerman:** Okay. But you were staying in the same hotel during the trial, and you guys went back to your hotel that night and then what happened?

**Armani:** We weren't...actually, we stayed in motels. We had different places we would stay because we were getting these gun threats, and we were both armed all the time. Anyway, we were staying at somebody's camp, and we had been out having a few drinks ... This is after this incident, after Garrow testified. I exploded and we ended up in a fistfight.

**Lerman:** And you wound up with a black eye, right?

**Armani:** Yeah.

**Lerman:** That must have been a little hard to explain. Another thing that happened is after your esteemed co-counsel unexpectedly put your client on the stand, is that while Garrow was testifying, he publicly confessed to the other mur-

ders. At which point everybody in town figured out that you had been sitting on this information.

At that point, you and Belge went out and gave some statements to the press. Can you tell us what you said, and why you did that?

**Armani:** During this...I...It's a lot of years ago and I need keep it straight. What happened was the District Attorney of Onondaga County, Syracuse area, came to the courthouse while the trial was still going on. He pulls me out, and he starts questioning me and threatening me during the trial. Belge comes out and he wants to know what the hell...what's going on. He says get away from him. I don't want you talking to him. So we get inside. The next day or that afternoon the two District Attorneys, the one from Onondaga County and the one from Hamilton who's trying the case, make a public statement about it. How they're going to report us to the bar association, and that they're going to come after our license and they are going to try to indict us.

It was a news reporter who was watching the trial who actually picked up the fact. He came to me, and he said you guys knew about this, didn't you? Well, you heard him testify. He says, you know. He was sharp to pick that out.

**Lerman:** So you went and talked to the press because you were afraid of the DA, who was looking to indict you? And you wanted to explain that you had a duty to protect your client's confidence. Did you now about the duty of confidentiality because you had read the ethics code in New York at the time?

**Armani:** I had never read the canons of ethics, didn't know they existed, didn't know they were part of the judiciary law. I got involved doing research you know, and I was fighting for my life. You know *In re Ryder* and all of the cases like that, I could have given to you like that. [But when the matter first arose, I did not know the relevant law.]

**Lerman:** So you didn't know about the ethics code, but you knew you had a duty to protect confidences. And you knew it was really important. How did you know?

**Armani:** Well because when I took my oath. . . . I went to Syracuse. I was in admitted in the fourth department. The oath was to defend the Constitution of the United States, the Constitution of the State of New York, and to keep inviolate the secrets and communications of our clients. And that's what we went by. That's...That oath was a sacred oath to us.

**Lerman:** This might be food for thought about how to get our students to pin down a few principles. Maybe there should be more elaborate oaths.... There's a question.

**Judith Maute:**<sup>10</sup> Lisa, in your textbook you report this really creepy thing that happened during the trial. At start of a hearing one day, Garrow looked at Frank's daughter and said, "Good to see you again Dorina." Would you elaborate on that?

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10. Judith Maute is William J. Alley Professor of Law at the University of Oklahoma School of Law.

**Lerman:** [clarifying, because some did not hear the question] What Judith has asked about is that one day when Frank was in the courtroom with Garrow, Dorina came into the courtroom to see her dad, and Garrow turned and looked at her and said, "Nice to see you again Dorina." Since Garrow had never met Dorina before, it suddenly became apparent that he might have been stalking her. Frank, do you have comments about this?

**Armani:** Well that will explain why I eventually violated a confidence of my client.

**Lerman:** Right. So let's move forward in the story. Garrow was eventually convicted and sent to prison. Then he escaped from prison. Once he escaped from prison, you provided some information to the law enforcement authorities about where they might find your client. Why did you decide to reveal confidential information at that point?

**Armani:** I was on a death list. He had sued me. And my family was threatened, my wife and children. Nothing goes before that.

**Lerman:** So you had gone months and months vigorously protecting his confidences, and then this thing happens in the courtroom with Dorina. And it's particularly scary because we know Garrow liked 15 year-old girls, right? And then once he escaped, the police found a hit list in his cell, and your name and Belge's were on the list. And so at that point, what did you tell the police?

**Armani:** Well I told the police to look for a radio. If he's got a radio he's not going to break out of the area. He's going to find a good spot to stay low, and when you've given up the search, then he'll be free to move. Because that's the way he operated when they were searching. When Garrow killed the Dombleski boy up there in the Adirondacks, the police had the largest manhunt in the country, in the history of New York. Garrow was a mountain man. He lived in that area. He was born and raised in those mountains.

**Lerman:** After Garrow escaped from prison, when you gave the police information about how to find Garrow, did you feel justified in doing that because of the threats against your family, or did you feel that you were breaking your oath?

**Armani:** No. I felt that my primary duty to society and to my family was to get him recaptured and locked up to serve his sentence. He and I had parted company when he threatened my life.

**Lerman:** So then the police went to look and followed your advice and then they found him. And in the course of apprehending him, the police shot and killed Garrow.

**Armani:** Well, Garrow shot one of the guards that were coming at him in this particular field. He jumped up and started firing. And then they all returned the fire and killed him.

**Lerman:** What was your reaction when you learned Garrow was dead?

**Armani:** Well I hate...It was one great relief. Terrible, but that's my honest

answer. It was a relief. I'm no hero.

**Lerman:** I think a lot of people here are very familiar with some of the facts of the case, but may not know very much about what actually was happening in your family or about the consequences of the Garrow case for your relationships with...for example, your mother and other people in your community.

**Armani:** My mother asked me if I was insane [because he was protecting confidences told him by a serial murderer].

**Lerman:** What did you say to her? Didn't you...didn't you try to explain to her about the duty of confidentiality?

**Armani:** No. A friend of mine who's a priest calmed her down, went and talked to her.

**Lerman:** One time you told me that you analogized your obligation as being like that of a priest and she said, "But Frank, you're not a priest." In any event. . . am I right that...that your family or Belge's family actually had to leave town for a while because of the pressure?

**Armani:** Yes. Well they...We had vandalism done to our vehicles, our car, our homes, our offices. Lots...Many obscene phone calls, threatening phone calls.

**Lerman:** Can you tell about the fish?

**Armani:** Oh...Yeah. During the trial, I go out to my car, I'm going to leave. We usually had a meeting at Zeiser's, . . . we had a room there, and that was kind of like the library. But Belge liked the bar there, and the press was always there, and the DA and the judges would get there at night. And it was close to the courthouse. We had one rule, and the press lived up to it. Anything said over that bar was not public...was confidential. And they always...they lived up to that.

What happened was, I go out to my car, and I find this big fish. It was a beautiful big bass. The biggest one I've ever seen, and the only trouble is it was wrapped in a newspaper and had been gutted. All the meat was gone. It had been filleted, but Belge and I made soup out of it. What...

**Lerman:** But it was on your front seat right?

**Armani:** For those of you out there that are Italian, you know that a fish wrapped in a newspaper is a sign of death, you know.

**Lerman:** Really scary. Ok. We have time for one more question, and then we're going to have to wrap up.

**Greg Adams:**<sup>11</sup> This has been very inspiring, yesterday and today. And I think that it has taught me some lessons in talking to Mr. Armani and finding out how important what he called "his anchor" was during all of this, Monroe Freedman. I'm reminded that we do have an impact on our students. We do have an impact on the bar. This is a story we probably wouldn't be hearing at least in this fashion if Monroe Freedman had not stood strong for what he believes in.

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11. Greg Adams is Associate Professor of Law at the University of South Carolina School of Law.

And I appreciate that very much.

Mr. Armani, I want to disagree with though, you just said a minute ago, you're no hero. That's simply not so. I have...I've been teaching about you for over 20 years. There are very few lawyers in this country who've gone to law school since your ordeal who don't know your story. The students I have taught about you have learned more from that story about what it means to be a lawyer than from everything else I have told them. Thank you.

**Armani:** Thank you.

**Lerman:** Thank you Greg. Well I just want to say thanks to Frank and Mary for being here. This is a privilege for me and for all of us to have a chance to have this conversation. Thanks also to Tom and Monroe for helping us to see how the whole thing fits together. Honestly, I have to say, I don't have very many heroes who are lawyers. But if I had to make a list, you're right up at the top Frank, so thank you.

**Armani:** Thank you. You're too kind.