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Re: The attorney as accused – derailing an indictment

Dear Fellow Attorney:

Indictments against attorneys are disturbing to all members of the bar, but an effective way to derail the criminal charge is this twofold approach: Early use of a polygraph, with supporting forensic evidence; and, on that basis, request a special prosecutor in the grand jury.

Recently, I successfully represented a lawyer in a large Houston law firm, accused of felony family violence. Although, superficially, both from medical and testimonial sources, there was probable cause sufficient for an indictment, in my professional judgment, the attorney was completely innocent of any wrongdoing. Besides, as Justice Jackson said, "You can indict a ham sandwich."

Because an indictment for such an offense would have been almost as harmful to his law practice as a conviction, I aggressively prepared an extensive grand jury submission with fifty character letters; psychological testing showing my client's low proclivity towards violence; a clinical interview by a forensic psychologist whose findings matched the objective test data; a medical report from a forensic M.D. which questioned the credibility of the medical symptoms described by the Complainant; and a polygraph by a well-respected polygraph operator.

Fortunately, we obtained a no-bill (the legal standard for which is only probable cause), saved his reputation in the community, and avoided substantial damage to his law practice.

I am available for consultation in criminal cases. For some of my professional information, see www.mcmclaw.com.

Cordially,

Arch C. McColl, III

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