

Have we no sense of decency?

A DOJ lawyer's recent suspension after candor with judge raises questions about what "zealous advocacy" really means in America's justice system.

By Sidney Kanazawa

According to the Wall Street Journal, on April 5, 2025, Attorney General Pam Bondi suspended a Department of Justice Senior Immigration lawyer, Erez Reuveni, for being candid with the court in response to questions about the mistaken deportation of Kilmar Abrego Garcia to a prison in El Salvador.

When asked by the court how Abrego Garcia had been mistakenly sent to a prison in El Salvador, Reuveni responded, "When this case landed on my desk, the first thing I did was ask my clients that very question, and I have not gotten a satisfactory answer. ... I am also frustrated that I don't have answers for you on these questions."

Although U.S. District Court Judge Paula Xinis repeatedly thanked Reuveni for his candor, Reuveni was placed on indefinite leave the next day. Attorney General Pam Bondi said in a statement confirming the indefinite leave, "At my direction, every Department of Justice attorney is required to zealously advocate on behalf of the United States. ... Any attorney who fails to abide by this direction will face consequences."

What does that mean? Under Rule 3.3 (Candor Toward the Tribunal) of the ABA Model Rule of Professional Conduct, "A lawyer shall not knowingly . . . make a false statement of fact or law to the tribunal [court]." What was Reuveni supposed to do? Obfuscate? Ignore? Misdirect? Say nothing? Make up something?

What does "zealous advocacy" mean? To be a warrior? To fight and hide his client's misconduct and lack of transparency at all cost?



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Whatever "zealous advocacy" means, Reuveni's candor should be celebrated, not denigrated.

Have you ever had someone lie to you? Hide information from you? Misrepresent something to you? How did it make you feel about believing and trusting that someone?

By contrast, how would you feel about someone who, without hesitation, humbly confesses their shortcomings and errors?

This spring, I taught Peter Robinson's class, Apology, Forgiveness, and Reconciliation at Pepperdine Caruso Law School. In preparing for the course, I asked everyone around me for stories about apology, forgiveness and reconciliation. The responses

were stunning and uplifting.

One of the first stories I heard was from an attorney who told me he had committed malpractice by blowing a statute of limitations. He immediately apologized to his client, and not only did they work things out, but the client referred him a new client.

That was the beginning of so many more stories of attorneys, not only apologizing, forgiving and reconciling, but improving and strengthening their trust and persuasion due to their brave willingness to admit fault, accept responsibility and make amends.

Candor often requires a courageous willingness to be vulnerable. Our candor and vulnerability, in turn,

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invites others to reciprocate. And then the unexpected magic happens. A daughter's amazingly gracious forgiveness of a white man who killed nine Black parishioners (including her mother) in a bible study class in Charleston, SC, prompted the removal of the Confederate flag and Confederate monuments from the State Capitol of South Carolina. Nelson Mandela, a prisoner, helped shape a bloodless transformation of South Africa's apartheid government by humbly listening to and caring about his guards who were similarly

trapped in an apartheid mindset.

The term "zealous advocacy" first appeared in the ABA Model Rules of Professional Conduct in 1983. It was not in earlier versions. And the term does not exist in the professional conduct rules of California, New York, and many other states.

The concept makes no sense in a system of justice where 98-99 % of all cases filed are resolved by the voluntary agreement of the parties outside of court. A true warrior will fight to the death. They will not compromise. They will not sur-

render. They will not give up. That is not how our system works.

Labeling someone an enemy without listening, without understanding, without empathizing and without respecting is the recipe for gridlock, intolerance, hate and unnecessarily costly fights.

During WWII, our greatest generation fought against real enemies and lost real lives. They recognized at the end that the costs of war were too great. They created the Marshall Plan to help resurrect the economies of our onetime enemies

and made the Axis Powers - Germany, Japan, Italy - our closest allies.

We think of ourselves as being in the land of the free and the home of the brave. But our lack of courage and integrity is turning us into the land of the bullies and the home of the scared.

Erez Reuveni's candor and unwillingness to lie, to hide, to obfuscate should be celebrated not punished. It is brave. It is wise. It is decent. And it invites the honesty, integrity, and courage we need to find real solutions and real justice.