

Teaching a Client to Lie

Vigorous Counsel or Suborning Perjury

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Maimonides, Book of Judges (Mishneh Torah, Sefer Shoftim)
The Laws of the Courts (Hichot Sanhedrin)

Chapter 21, Halacha 11

If a judge sees a vindicating argument for one of the litigants and realizes that the litigant is seeking to state it, but does not know how to articulate the matter, sees that one was painfully trying to extricate himself with a true claim, but because of his anger and rage, he lost touch of the argument, or sees that one became confused because of his intellectual inadequacy, he may assist him somewhat to grant him an initial understanding of the matter, as indicated by Proverbs 31:8: "Open your mouth for the dumb person." One must reconsider the matter amply, lest one become like a legal counselor.

Chapter 23, Halacha 7

Whenever two Torah scholars hate each other, they are forbidden to act as judges together. For this will lead to a contorted judgment. The hatred each one of them bears for the other will cause him to overturn his colleague's words.

Chapter 24, Halacha 3

What is the source which teaches that a judge who knows that a claim is contrived should not say: "I will deliver a judgment and the responsibility will lie with the witnesses"? It is written Exodus 23:7: "Keep distant from words of falsehood."

What shall he do? He should question and cross-examine the witnesses exceedingly, following the cross-examination process employed in cases involving capital punishment. If it appears to him according to his understanding that there is no deception, he should deliver a judgment. If, however,

- a) he still has hesitations because he feels that deception is involved,*
- b) he does not rely on the testimony of the witnesses although he cannot disqualify them,*
- c) he feels that one of the litigants is a deceiver and a beguiler and misled the witnesses even though they are fit to testify and testified honestly, it is only that the litigant led them astray, or*
- d) that from the things that were said, he feels that there are hidden factors which they do not desire to reveal,*

in these and in all similar matters, it is forbidden for him to deliver a ruling. Instead, he should withdraw from this judgment and allow it to be decided by someone whose heart is at peace with the matter. These matters are given over to a person's heart. Concerning these Deuteronomy 1:17 states: "Judgment is God's."

Ethics of Our Fathers (Pirkei Avot)**Chapter 1, Mishna 8**

Judah the son of Tabbai and Shimon the son of Shetach received from them. Judah the son of Tabbai would say: When sitting in judgement, do not act as a counselor-at-law. When the litigants stand before you, consider them both guilty; and when they leave your courtroom, having accepted the judgement, regard them as equally righteous.