

GLASS SHATTERED: CALIFORNIA SUPREME COURT DENIES STEPHEN GLASS LAW LICENSE

The decision is in, and the California Supreme Court has made their decision to refuse to grant Stephen Glass a law license in the State of California.

We conclude that on this record he has not sustained his heavy burden of demonstrating rehabilitation and fitness for the practice of law.

The full opinion is here.

Ironically, the California Bar's initial hearing officer, the entity that actually deals with line level lawyers and their practice on a day to day basis in California, found Glass had demonstrated reform and good character so as to be fit for practice. The The State Bar Court Review Department independently reviewed the record and agreed with the initial finding of character fitness for practice. Instead, it was the more insulated elitists in the Bar Committee, and ultimately in the California Supreme Court, who thought otherwise.

Glass's conduct as a journalist exhibited moral turpitude sustained over an extended period. As the Review Department dissent emphasized, he engaged in "fraud of staggering proportions" and he "use[d] . . . his exceptional writing skills to publicly and falsely malign people and organizations for actions they did not do and faults they did not have." As the dissent further commented, for two years he "engaged in a multi-layered, complex, and harmful course of public dishonesty." Glass's journalistic

dishonesty was not a single lapse of judgment, which we have sometimes excused, but involved significant deceit sustained unremittingly for a period of years. (See *Hall v. Committee of Bar Examiners* (1979) 25 Cal.3d 730, 742 [applications may be rejected in cases of "numerous fraudulent acts" and "false statements"].) Glass's deceit also was motivated by professional ambition, betrayed a vicious, mean spirit and a complete lack of compassion for others, along with arrogance and prejudice against various ethnic groups. In all these respects, his misconduct bore directly on his character in matters that are critical to the practice of law.

and

Glass's misconduct was also reprehensible because it took place while he was pursuing a law degree and license to practice law, when the importance of honesty should have gained new meaning and significance for him.

Moreover, Glass's lack of integrity and forthrightness continued beyond the time he was engaged in journalism. Once he was exposed, Glass's response was to protect himself, not to freely and fully admit and catalogue all of his fabrications. He never fully cooperated with his employers to clarify the record, failed to carefully review the editorials they published to describe the fabrications to their readership, made misrepresentations to *The New Republic* regarding some of his work during the period he purported to be cooperating with that magazine, and indeed some of his fabrications did not come to light until the California State Bar proceedings. He refused to speak to his editor at *George* magazine when the

latter called to ask for help in identifying fabrications in the articles Glass wrote for that magazine.

The decision goes on to hammer Glass about as hard as could be imagined in every aspect of his prior conduct, rehabilitation and application for bar membership. The decision is every bit as venomous and scathing as the oral argument was (further discussed below).

Back in August of last year, I wrote about the attempt of failed, story inventing journalist Stephen Glass' attempt to gain his license to practice law in the State of California. I drew a comparison between the beyond commendable success Shon Hopwood has found in gaining an exclusive clerkship on the DC Circuit Court of Appeals and plight of Glass in California simply trying to get a bar card.

This is where the hope of Hopwood meets the flip side of the coin of chance, and both have strong nexus to the Supreme Court of California. From whence Janice Rogers Brown once came, the second part of this story now resides in the name and form of Stephen Randall Glass.

Mr. Glass never robbed a bank, terrorized citizens with firearms or stole money, but he took something extremely precious – truth and honesty – from readers of his journalism. In pretty much exactly the same time frame Mr. Hopwood was robbing banks, Mr. Glass was robbing his readers.

Stephen Glass also, like Shon Hopwood, has a story of bottom to top redemption with a culmination in the love, study and practice of law – or at least hope to do so. Glass' case is now before the California Supreme Court (yes the prior haunt of Janice Rogers Brown) and has been for over a year and a half waiting...waiting...for a decision.

Subsequent to that post, oral argument was held in the California Supreme Court, and to say that it did not go well for Glass, and his attorney Jon Eisenberg, is the understatement of the decade. It was brutal. Bob Egelko of the San Francisco Chronicle describes it thusly:

The justices seemed unconvinced.

"They say character is what you do when no one's looking. Mr. Glass' performance when no one's looking is pretty abysmal," said Justice Carol Corrigan.

Justice Ming Chin said Glass reaped financial benefits from his misconduct with a \$175,000 advance payment for his semi-autobiographical 2003 novel, "The Fabulist." Justice Joyce Kennard asked sarcastically whether there would be "any harm in the court making up things in opinions."

"Being admitted to practice law is a privilege," said Justice Kathryn Mickle Werdegar, who drew a distinction between showing compassion for Glass and finding that he has been rehabilitated.

Character references from the workplace aren't enough, the bar's lawyer, Rachel Grunberg, told the court.

"He needs to go out and become a pillar of the community ... giving back to those he harmed," perhaps holding seminars or teaching classes on ethics in journalism, Grunberg said. That prompted Eisenberg to respond that Glass still has to earn a living.

The video of all oral arguments that day at the California Supreme Court can be found [here](#). It was painful to watch.

In closing, while what Glass did as a journalist is appalling, the unyielding and scathing tone of the California Supreme Court seems to be somewhat shocking in the face of the common

story of America being a land of redemption and second chances. Especially when the lower tribunals, that heard the real evidence, found otherwise.

I guess second chances and redemption are only for banksters and war criminals, but not for a guy who made up some lousy digital media stories. You don't have to like Stephen Glass to see the disconnect here as to who in American life really gets the shots at second chances.