I affirm. The **Value** is **Maintaining a Well-Ordered Society.** American society is characterized by a diversity of fundamental worldviews. A well-ordered society is effectively regulated by a public conception of justice acceptable to all on the basis of publicly accessible reasons. **Rawls 1971[[1]](#footnote-1):**

At the beginning (§1)… **not at all.**

The only way to determine principles of justice to which all can consent is to remove people from their subjective social position and instead decide the principles of justice from the Original Position. **Rawls[[2]](#footnote-2):**

I shall consider… **with these restrictions.**

**The CRITERION** is **Protecting a System of Equal Basic Liberties.** These are foundational liberties like freedom of conscience, political participation, and bodily integrity. A well-ordered society would make equal basic liberties the first priority for three reasons.

A. Respect for basic liberties reflects equal respect for the moral personhood of fellow citizens in a well-ordered society. **Rawls 1971[[3]](#footnote-3):**

Let us begin by… **the basic liberties.**

B. Respect for basic liberty is the means by which society protects the individual’s need for self-respect. **Rawls 1971[[4]](#footnote-4):**

Of course, it.. be firmly maintained.

c. Behind the veil of ignorance, parties would choose criminal justice norms which maximize their security and personal integrity. **Dolovich 2004[[5]](#footnote-5):**

Yet where the… **and economic benefits.143**

**PART I IS THE ADVOCACY**

**A.** Only two states allow disclosure of client confidences to avoid wrongful conviction. The remaining jurisdictions should expand their interpretation of the substantial bodily harm exception to allow lawyers to disclose client confidences when doing so is necessary to prevent the conviction of a third-party. **Hasbani 2010[[6]](#footnote-6):**

Perhaps one of… incarceration of another."76

**B.** The wrongful conviction exception is accompanied by a use immunity that prevents the disclosed information from being used against the lawyer’s client in a criminal prosecution. **Hasbani 2[[7]](#footnote-7):**

In order **to…** use immunity's protection.

**PART III IS SOLVENCY:** Allowing disclosure of client confidences to avoid wrongful conviction of third-parties is essential to avoiding unjust punishment.

**A.** A wrongful conviction exception for attorney-client privilege reflects society’s view that freedom of the innocent is the top priority and that nobody should be subjected to arbitrary physical violence. **Hasbani 3[[8]](#footnote-8):**

**Legislatures should adopt… freedom of the innocent.**

**B.** The rule exception would attract public attention or lead the prosecution to reexamine cases, thus preventing wrongful convictions before prosecutions are even initiated. **Joy and McMunigal ‘08[[9]](#footnote-9)**

In response to the… **reexamine a case.**

**C.** Failure to remedy wrongful convictions, which are becoming more prominent, can undermine public confidence in the criminal justice system and in lawyers, thus harming the rule of law. **Joy and McMunigal ‘08[[10]](#footnote-10)**

Perhaps the most… **criminal justice system.**

**D.** Wrongful conviction is rampant in the Criminal Justice System. The time to act is now. **Zalman 2012[[11]](#footnote-11):**

The ultimate question is… **professionalism in the justice system.**

**PART IV IS IMPACTS**

**Impact 1: Rule of Law**

A. Rule of law is essential to maintaining the most extensive possible system of equal liberty. **Rawls 1971[[12]](#footnote-12):**

Now the connection… rule of law maintained.

(\_\_) The rule of law requires that similar cases be treated similarly. This principle is violated by wrongful convictions because people the guilty occasionally go free and the innocent suffer punishment. **Rawls 1971[[13]](#footnote-13):**

**The rule of…** announced verdict suffices.

**Impact 2:** Minimizing wrongful conviction protects the citizens against arbitrary disadvantages in the criminal justice system.

Behind the veil of ignorance people have to consider the prospect that they may be wrongfully convicted for membership in a socially marginal group. **Dolovich 2004[[14]](#footnote-14):**

First, under the conditions of… higher-order interests.

Therefore, behind the veil of ignorance citizens would condemn wrongful conviction. **Dolovich 2004[[15]](#footnote-15):**

**In cases where…** strains of commitment.

**UNDERVIEW:** A basic requirement for individual freedom is the restriction of government’s ability to inflict cruelty on its citizens. Even in the absence of other normative bases for rules about government restricting government cruelty is an inescapable maxim. **Shklar[[16]](#footnote-16)**

**Systematic fear is… choose between them.**

1. John Rawls [James B. conant University Professor, Harvard University], A Theory of Justice. Cambridge: The Harvard University Press (1972). [↑](#footnote-ref-1)
2. John Rawls [Professor of Philosophy, Harvard]. *Theory of Justice.* 1971. Oxford University Press. [↑](#footnote-ref-2)
3. John Rawls [James B. Conant University Professor, Harvard University], A Theory of Justice. Cambridge: The Harvard University Press (1972). [↑](#footnote-ref-3)
4. John Rawls [James B. Conant University Professor, Harvard University], A Theory of Justice. Cambridge: The Harvard University Press (1972). [↑](#footnote-ref-4)
5. Sharon Dolovich [Acting Prof. of Law, UCLA Law School], “Legitimate Punishment in Liberal Democracy,” *Buffalo Criminal Law Review*, Vol. 7, No. 2 (January 2004), pp. 307-442 [↑](#footnote-ref-5)
6. Inbal Hasbani [J.D. Northwestern University School of Law], “When the Law Preserves Injustice: Issues Raised by a Wronful Incarceration Exception to Attorney-Client Confidentiality,” 100 J. Crim. L. & Criminology 277 (2010) [↑](#footnote-ref-6)
7. Inbal Hasbani [J.D. Northwestern University School of Law], “When the Law Preserves Injustice: Issues Raised by a Wronful Incarceration Exception to Attorney-Client Confidentiality,” 100 J. Crim. L. & Criminology 277 (2010) [↑](#footnote-ref-7)
8. Inbal Hasbani [J.D. Northwestern University School of Law], “When the Law Preserves Injustice: Issues Raised by a Wronful Incarceration Exception to Attorney-Client Confidentiality,” 100 J. Crim. L. & Criminology 277 (2010) [↑](#footnote-ref-8)
9. Peter A. Joy and Kevin C. McMunigal “Confidentiality and Wrongful Incarceration” Criminal Justice, Volume 23. Number 2, Summer 2008. © 2008 American Bar Association [↑](#footnote-ref-9)
10. Peter A. Joy and Kevin C. McMunigal “Confidentiality and Wrongful Incarceration” Criminal Justice, Volume 23. Number 2, Summer 2008. © 2008 American Bar Association [↑](#footnote-ref-10)
11. Zalman, Marvin. "Criminal Justice System Reform and Wrongful Conviction A Research Agenda." *Criminal Justice Policy Review* 17.4 (2006): 468-492. [↑](#footnote-ref-11)
12. John Rawls [James B. conant University Professor, Harvard University], A Theory of Justice. Cambridge: The Harvard University Press (1972). [↑](#footnote-ref-12)
13. John Rawls [James B. conant University Professor, Harvard University], A Theory of Justice. Cambridge: The Harvard University Press (1972). [↑](#footnote-ref-13)
14. Sharon Dolovich [Acting Prof. of Law, UCLA Law School], “Legitimate Punishment in Liberal Democracy,” *Buffalo Criminal Law Review*, Vol. 7, No. 2 (January 2004), pp. 307-442 [↑](#footnote-ref-14)
15. Sharon Dolovich [Acting Prof. of Law, UCLA Law School], “Legitimate Punishment in Liberal Democracy,” *Buffalo Criminal Law Review*, Vol. 7, No. 2 (January 2004), pp. 307-442 [↑](#footnote-ref-15)
16. Shklar, Judith [political theorist, professor of government]. "The liberalism of fear." *Political Liberalism: Variations on a Theme* (1989): 149-166. [↑](#footnote-ref-16)