



MondayMonday

Nigeria: 1 Iowa: 0

December 16, 2013

We were raised by a father who, as a member of the Greatest Generation, spent his 22nd year training on a Norden bombsite to drop 1,000 bombs on the Axis. While in Bombardier School in Texas, he learned something else; something he brought back to The Bronx, and then to East Flatbush, when he married. Our father was the only Podiatrist in Brooklyn who liked bourbon and country-western music. Oh, sure, he loved swing and Manhattans too, but there was some quirk in his libido, courtesy of Uncle Sam, which came alive when the music was just right and the warm wind blew in from the west.

We have it too. With children who went to college in Nashville, it has been watered and primped over the past 8 years or so to a fine hedge; a barrier against Gotham's trendiness; a soft buffer to Martinis and intelligent jazz. Somewhere in us is that young Bronx Bombardier who needs to have biscuits and gravy, fried chicken, a bit of Jack and some guy crying over his truck, his mother or his girl.

No wonder then that when we plugged our iPod into the car this week, we were struck as if dead by the voice of Marty Robbins singing *El Paso*. On some level, even if



only for two minutes or so, we were there, in that West Texas town, falling in love with a Mexican girl. Was it her perfume or the smell of the dust in Rosa's Cantina? No, it was the music we knew so well; the music and wicked Felina. Bombs away!

We avoid attorney malpractice cases, but sometimes, they scream for attention, as does *Iowa v. Wright*, Slip Op 13-0780 (Sup. Ct., 2/6/13), yes, Iowa, courtesy of the ABA Journal. Wright, a general practitioner since the '80s, discovered that his client, one Madison, was the beneficiary of a large bequest from a long-lost cousin in Nigeria in the sum of \$18 Million. All it would take was the payment of \$177,660 in inheritance taxes in Nigeria and millions would be headed to Iowa and the pockets of Madison and our friend, who had cut himself in for a 10% contingency fee for his services.

In order to raise money for the Nigerian inheritance tax, Wright approached a number of his own current clients to be investors, promising them enormous returns on

their investment and even giving an Attorney's Trust Account check as security to one. After all, this Nigerian inheritance was a cinch. Isn't that what the letters had said? Hadn't he been in contact with the "Central Bank of Nigeria," the "African Union" and even the President of Nigeria? Lawyers in Nigeria and even England were involved. They said so, so it must be true. The English lawyer said he had even traveled to Nigeria to check everything out. Good to go.

It gets better. Though the \$18M was supposed to be transferred via the Royal Bank of Canada, Wright and Madison were told it would be shipped in two trunks to a "diplomat" in Madrid. Madison traveled to Spain with a "logistics" payment of €25,000 for the "diplomat," saw the trunks, but somehow never took possession of them. Alas, no "Nigerian inheritance" ever showed up in Iowa; no money ever came to Madison; no fee ever was realized by Wright; no monies were ever repaid to Wright's clients.

No matter how profound, stupidity is not a crime. Apparently, quite a few Iowa lawyers had been duped by these "Nigerians." But borrowing money from your clients is verboten, as is failing to disclose your personal interest and the risks inherent in the underlying transaction. With a big "Golly gee," Iowa imposes a one year suspension from practice.

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