



## Could AMI's Deputy General Counsel Face Extortion Charges? Probably Not but NY Ethics Violations Look Likely

David A. Lewis, a New York-based legal ethics attorney and a former chair of the New York City Bar Association's Professional Responsibility Committee, said Fine potentially violated a number of rules that could lead to various levels of discipline.

### BY CAROLINE SPIEZIO

American Media Inc.'s National Enquirer became a Twitter trend after Amazon chief executive officer accused the company of attempted extortion—but its deputy general counsel could face more serious consequences than jokes on social media, including legal action or bar discipline.

Lawyers with extortion law experience were split on whether or not AMI's deputy general counsel Jon Fine, who joined the New York-based company in November and allegedly wrote two of the emails published by Bezos, could face charges. In the alleged emails he sent to the Amazon CEO, Fine outlines the terms for an agreement between AMI and Bezos, who also owns The Washington Post.

Bezos' side of the deal would require him to drop an investigation of AMI's political motivations and its obtainment of personal texts between the Amazon CEO and his alleged girlfriend Lauren Sanchez. In exchange, Fine said AMI's part of the agreement would hold it from publishing personal photos allegedly sent between Bezos and Sanchez.

Multiple phone calls and emails to Fine for comment have not been immediately returned.

Julie Rendelman, a New York City criminal defense lawyer, said Fine could face criminal charges, citing New York law PEN § 135.60, which states an individual is guilty of coercion in the second degree if he or she "compels or induces a person to engage in conduct which the latter has a legal right to abstain from" by threatening to "expose a secret or

publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule."

"That seems to me, if we were talking about a New York State case, the charge that would fit that. Because obviously the argument would be that Bezos has a right to conduct or attempt to conduct an investigation into why [AMI] is doing what they're doing," Rendelman said. "And their response is, they're trying to tell him to stop doing it, and in exchange, if he does not, they're going to publicize the nude photos."

She said 18 USC Ch. 41 could apply on a federal level if reputation is considered a "thing of value," as the U.S. Court of Appeals for the Eighth Circuit ruled it was in its 2012 *United States v. Petrovic* decision.

Daniel Szalkiewicz, the founding partner of Daniel Szalkiewicz & Associates and another New York-based attorney familiar with extortion law, said he doesn't think Fine's alleged emails legally constitute extortion, because Fine never said, outright, that AMI would publish Bezos' photos if the CEO didn't agree to drop investigations into the company, at least in the emails Bezos publicly released.

"I really don't see an implicit threat in here. I think the previous [email sent by AMI's chief content officer] has more of an implicit threat, clearly saying that, not only do we have these photographs, but we're going to describe them, as that will obviously cause a lot of embarrassment towards you," Szalkiewicz said of Fine's alleged email.

David A. Lewis, a New York-based legal ethics attorney and a former chair of the New York City Bar Association's

Professional Responsibility Committee, said Fine potentially violated a number of rules that could lead to various levels of discipline, if the allegations against him are true. He added Fine's status as an in-house lawyer assisting his client organization with its goals doesn't mean he's exempt from the state's ethics rules.

Lewis cited the New York Rules of Professional Conduct's Rule 1.2, which states that lawyers must resign if their "representation would assist client conduct that is illegal or fraudulent." If AMI is found to have broken any laws in their alleged interactions with Bezos, Fine could be found to have violated this rule, among others, Lewis said. He added it's likely a committee deciding if and how to discipline Fine will factor in any previous violations, the number of violations in his latest behavior and his intent.

"To the extent that a lawyer in good faith inadvertently violates a rule of professional conduct, in my experience, the Attorney Grievance Committee will be extremely reasonable into taking that into consideration," Lewis said. "However, if the lawyer is not acting in good faith, and has violated various rules of professional conduct, they should expect that the sanctions that the Attorney Grievance Committee will seek [are] going to be severe."

Lewis said disciplinary recourse ranges from a private censure to disbarment.

*Caroline covers the intersection of tech and law for Corporate Counsel. She's based in San Francisco. Find her on Twitter @CarolineSpiezio.*