

# Trump's Attorneys Have Got to be Nervous: Former DOJ Official

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As President Trump prepared to give a speech regarding his indictment, Member **Robert Driscoll** (Washington, DC) and former U.S. DOJ official weighed in on NewsNation's "On Balance."

*You want those conversations privileged because it encourages people to be honest with their attorneys. Some of the things he said are "if I don't do this what happens?" or "if I don't comply what happens?". Those are very common questions. Now the reason the crime fraud exception exists is because, if you use your attorneys in the commission of a crime, courts can pierce the attorney-client privilege and get that testimony. But it should happen very rarely and it's a very high standard... Anyone who does what I do for a living is very concerned whenever courts pierce attorney-client privilege because the risk is clients won't tell you the whole truth to begin with.*

*On civil cases... litigation is often about leverage. Most cases don't try. It's about bluster, it's about putting pressure on the other side, making them spend money... then eventually you resolve the case because it's too expensive to keep going... That works well in civil court. The attack-attack-attack can work criminally, but it's one of those "if you come at the king, you better kill the king" situations, because you're not doing yourself any favors by getting antagonistic with the prosecutor... It's not like there's going to be a civil settlement agreement like there is in a lease dispute.*

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