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## Top Picks

The lawyers lawyers would hire if they got busted

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**By Benjamin Howell, Jeanna Steele, and Janet Weeks**

You've just been arrested for a serious felony, and you're as innocent as a preschooler. What an outrage. What a Kafkaesque nightmare. Oy, what a problem! Who would you hire? Who would you trust with securing your life, your liberty? We contacted more than 100 well-respected lawyers to ask them who they'd choose. Many of the attorneys we asked chose their own partners until they learned that, in this hypothetical scenario, neither your partners nor a family member could represent you. Some said their choice would depend on the crime and where it was allegedly committed. Others said they wouldn't hire a criminal attorney at all. "If I were in trouble, I'd pick the very best litigator I could find," says Craig Johnson, cofounder of Venture Law Group in Palo Alto. "You're better off with a lawyer who has the necessary skills to sway a jury and handle an all-out battle. Then you affiliate an expert in the specific area. Cases are all about persuasion. Look at Johnnie Cochran and O. J. The right advocate can make a tremendous impact despite the evidence."

Overall, the lawyers we interviewed based their choices on expertise, experience, loyalty, and a good relationship with the court. Many of those interviewed also mentioned comfort level-someone they could relax with and trust. Not surprisingly, our research produced a pattern of circular referrals: In a jam, attorneys who know each other would call each other. For example, John L. Burris of Oakland, were he to be charged, would call "somebody who knows me well. Someone who has a sense of me as a person and the kind of work I do. Someone who could articulate my essence." Tony Serra of San Francisco was more interested in his attorney's age and philosophy. "I would pick someone young who shares my ideological and political views, because youth is more alert, more idealistic, and more compelling than any so-called seasoned and mature lawyer," says Serra.

Michael Yamamoto, of John Lee & Michael Yamamoto in Los Angeles, summed up the overall sentiment the best when he said, "I think what we defense attorneys admire in other lawyers-the Johnnie Cochrans and Leslie Abramsons-is always the same quality. As dazzling as they are as practitioners, it's their human side, how much they truly care about the case, that creates the great results."

### **John W. Kecker - San Francisco**

John W. Kecker of Kecker & Van Nest in San Francisco, who is nobody's fool, is so confident in his abilities that he'd represent himself. He has plenty of company: His name was mentioned more often than any other when our surveyed lawyers were asked who they'd turn to if faced with serious charges. "John embodies everything one looks for in a lawyer, whether criminal or civil," says Tower C. Snow, chair of Brobeck, Phleger & Harrison in San Francisco. "He's highly intelligent, creative, resourceful, tough, tenacious, a ruthless cross-examiner, and totally dedicated to the welfare of his clients."

After graduating from Yale Law School in 1970, Kecker clerked for Supreme Court Chief Justice Earl Warren, spent several months as staff attorney for the Natural Resources Defense Counsel, and then moved to California to become an assistant federal public defender for the Northern District of

California. Since entering private practice Keker has tried cases involving everything from patents to palimony. But he is perhaps best known for successfully defending Patrick Hallinan of Hallinan, Wine & Sabelli, a prominent San Francisco defense lawyer who was charged with conspiracy, racketeering, illegal possession of weapons, and drug smuggling. The indictment was based on allegations made by one of Hallinan's former clients, who fingered the attorney in a plea bargain. In 1995 Keker won Hallinan a full acquittal.

Keker also successfully defended attorney Doron Weinberg in 1994, when Weinberg and Penelope M. Cooper were accused of taking cash under the table to defend convicted Oakland drug lord Rudy Henderson. From 1987 to 1989 Keker worked the other side of the courtroom as chief prosecutor of Oliver North after the Iran-Contra scandal.

"I always say, 'Listen, if my telephone is busy and you are in a lot of trouble, call John Keker,' " says Patrick Hallinan. "He's a hard worker, prepares well, and has a fine office and support team. I always feel comfortable with him, which is very important. We try cases in virtually the same way. His cross-examinations sound just like mine. I've tried an awful lot of cases, and I really appreciate the difference between a good attorney and a great one. John Keker is one of the greats."

### **Who He'd Hire"**

If I were charged in San Francisco, I might represent myself because I know a lot about trying cases here. Bob Wallach defended himself, and he did very well. There are times when it makes sense, but it also depends on how good you think you are. Barring representing myself, I couldn't name just one. I'd choose **Jim Brosnahan** of Morrison & Foerster in San Francisco, **Jim Collins** of San Francisco, **Doron Weinberg** of Weinberg & Wilder in San Francisco, sole practitioner **William L. Osterhoudt** of San Francisco, and **Patrick Hallinan**. You want someone who is good with a jury, hard working, well prepared, and smart-and somebody you could stand going through a tense time with."

### **Cristina Arguedas - Emeryville**

For 20 years Cristina Arguedas of Cooper, Arguedas & Cassman in Emeryville has tenaciously represented clients who generate next to no natural sympathy. But her tough, determined lawyering has led juries to see the reasonableness of her arguments time and time again. "Her style is inclusive," says Alan Ruby of Ruby & Schofield in San Francisco. "Cris has a way of drawing you into her argument. She subtly leads you to her position."

Arguedas became a federal public defender in 1979 after graduating from Rutgers School of Law in New Jersey. She joined forces with defense powerhouse Penelope M. Cooper in 1982. During law school Arguedas helped represent one of Patty Hearst's kidnappers, Emily Harris. She also defended former U.S. Attorney General Ed Meese's associate W. Franklyn Chinn in the Wedtech defense contracting scandal in 1989 in New York. In 1992 she and Cooper won the "Crossbow" murder-for-hire case brought against California millionaire Michael Blatt. And in 1999 she successfully defended Doug Tomison, a plant manager accused of ordering his employees to illegally dump hazardous ash in Sacramento. In 1995 Arguedas was hired by the O. J. Simpson defense team to help prepare Simpson for a possible cross-examination. Her tough mock cross is said to have convinced the so-called dream team to keep their client off the stand. Arguedas says getting drafted by O. J.'s lawyers "was like being asked to pitch in the World Series."

### **Who She'd Hire**

"If I couldn't pick my partner, **Penny Cooper**, then I'd choose **Alan Ruby, John Keker, Dan Bookin** at O'Melveny & Myers in San Francisco, or **Jan Little** at Keker & Van Nest. Each is articulate and commanding in the courtroom, and also strategic and smart-good at thinking, planning, and preparing. They are confident, able to take control and be persuasive, and very focused. I've worked with all of them. I'd never hire a lawyer I haven't worked with. You don't know how conscientious a person is until you've worked with them. I've picked four, and I guess I better stop there. I couldn't afford more than four attorneys anyway."

### **Penelope M. Cooper** - Emeryville

Renowned for her cross-examination skills, Penelope M. Cooper has managed to get acquittals and reduced sentences in a number of high-profile cases during her 36-year career. In 1992 she and partner Cristina Arguedas won the acquittal of Michael Blatt in the much-publicized "Crossbow" murder case. And in 1998 she helped the defense secure a pretrial dismissal of charges in the so-called repressed memory case of George Franklin. Cooper dedicates herself completely to each case she tries. "I think the mark of a great criminal defense lawyer is to become passionately and exclusively involved in each case," says Cooper. (Note: Cooper is also a member of CALIFORNIA LAWYER's Editorial Advisory Board.)

Cooper has represented many professionals, including lawyers, doctors, and one judge. One of her most recent cases involved Dr. William Liebman, a physician in Marin County who was accused of diluting vaccines given to children. The charges against him were dismissed in June 2000 after negotiation. "Most attorneys get a reputation for trials," says Cooper, "but most of the really great lawyers can be judged by the negotiations they're able to manage."

After graduating from UC Berkeley's Boalt Hall School of Law in 1964 Cooper began working for the public defender's office in Alameda County. In 1969 she opened her own firm in the East Bay, and in 1982 she joined forces with Arguedas. Over the years, Cooper has developed a reputation for tenacity, hard work, and compassion. "Penny knows how to talk. She also has good people skills and a big heart. She really cares about her clients," says Harold Rosenthal of San Francisco's Riordan & Rosenthal.

### **Who She'd Hire**

Cooper declined to comment on who she'd hire.

### **Dan Bookin** - San Francisco

O'Melveny & Myers partner Dan Bookin began his litigation career prosecuting organized crime cases as an assistant U.S. Attorney for the Southern District of New York. In the late 1970s and early 1980s he successfully prosecuted Carmine Romano, who ran the Fulton Fishmarket, and Michael Clemente, who ran the International Longshoreman's Association (which controlled the Brooklyn waterfront) for the Genovese crime family. Bookin moved to California in 1982 and joined the San Francisco firm of Farella, Braun & Martel. In 1992 he moved to O'Melveny & Myers.

Bookin was head of the team of lawyers that defended software maker Avant! from a criminal trade secrets and securities fraud prosecution. In what has been billed as the largest criminal trade secrets case in history, the prosecution alleged that Avant!'s founders stole source code from their previous employer, Cadence Design Systems, to establish a competing software company. A successful motion resulted in the dismissal of all counts against Avant!. (The case is now being

appealed.) Bookin is currently representing Alaska Airlines in the criminal investigation into the crash of Flight 261 off the Ventura County coast in January of last year. He was also instrumental in the successful defense of nuclear scientist Wen Ho Lee from federal prosecution. "Dan is incredibly tenacious," says Alan Ruby. "The word *tireless* comes immediately to mind."

**Who He'd Hire**"I would pick **Ted V. Wells** of Paul, Weiss, Rifkind, Wharton & Garrison in New York in a second," Bookin says. "I don't know of a more talented, charismatic trial lawyer anywhere."

### **James J. Brosnahan** - San Francisco

James J. Brosnahan's legal expertise is as broad as it is effective. A litigator at Morrison & Foerster in San Francisco, his list of trials includes everything from murder to maritime cases. He's handled matters involving real estate fraud, patent disputes, product liability, and professional misconduct. He's twice argued before the U.S. Supreme Court.

In 1992 Brosnahan prosecuted former Defense Secretary Caspar Weinberger after the Iran-Contra scandal, before he was pardoned. That same year, he defended Michael DeDomenico, obtaining not-guilty verdicts on two felony counts in what's thought to be the largest single-year tax-evasion case ever filed in California. In 1986 he defended various members of Arizona religious groups who took in Guatemalan and El Salvadoran refugees fleeing civil wars. Three years later he got an acquittal for Steve Psinakis, who stood accused of plotting to ship explosives to the Philippines as part of efforts to topple the government of Ferdinand Marcos.

His client list runs the gamut, but Brosnahan says lawyers are among his favorites. "I've represented a number of lawyers over the years, and I enjoy it," says Brosnahan. "They make good clients, for the most part. But you have to remind them of their role. When I'm representing an attorney, I go to Chinatown and order custom-made fortune cookies. They say, 'Brosnahan is the lawyer. You are the client.' "

### **Who He'd Hire**

"It would depend on what I was charged with, but in general I'd hire **John Kecker**. He's handled many important cases and has done very well. He's a good trial lawyer, a good listener, a good person, and we've worked together before."

### **Harland W. Braun** - Los Angeles

Los Angeles sole practitioner Harland W. Braun is no stranger to high-profile criminal trials. "He's had a great deal of experience with complex issues," says Gloria Allred of Allred, Maroko & Goldberg in Los Angeles, "and he functions well under a great deal of pressure." In 1986 Braun represented Congresswoman Bobbie Fiedler *against charges of bribery, and in 1987 he successfully defended George Folsey, the producer of Twilight Zone-The Movie*, from involuntary manslaughter charges after a helicopter crash on the set killed actor Vic Morrow and two child actors. Braun was also able to convince the U.S. government that former California Assembly Whip Gwen Moore was innocent of corruption charges filed in the wake of the FBI's political corruption sting during the 1980s in Sacramento. Braun also represented Los Angeles police officer Ted Briseno in the federal trial related to the Rodney King beating and, most recently, Los Angeles police officer Mike Buchanan in the Rampart corruption trial. Braun also has represented a long list of celebrities in various criminal matters, including Roseanne Barr, Gary Busey, Chris Farley, rapper Eazy E, and Dennis Rodman.

"Harland Braun is extremely tenacious and will go the extra mile for his client," says Patricia Glaser of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro in Los Angeles. "He's enthusiastic about the practice of law, and he's experienced. I don't think there's a more lethal combination."

### **Who He'd Hire**

Braun won't name anyone, but he will say that it would all depend on what he was charged with. "I wouldn't go to the same attorney if I were charged with a DUI as I would if I were charged with a sex crime," he says.

### **Johnnie L. Cochran Jr. - Los Angeles**

Although he is best known for his work on the criminal acquittal of O. J. Simpson and his now-famous rhyme, "If it doesn't fit, you must acquit," in his 37-year career Johnnie L. Cochran has tallied an impressive list of victories. An expert in the area of civil rights abuses by law enforcement, Cochran scored his biggest monetary verdict in 1992 when the jury returned a verdict of \$9.4 million, plus attorneys fees, in the police misconduct case of *Diaz v City of Los Angeles*. Cochran was also part of the team of lawyers that fought for 27 years to exonerate former Black Panther leader Geronimo Pratt from murder charges. Last year Cochran linked up with one of the largest personal injury firms in the country-Schneider, Kleinick, Weitz, Damashek & Shoot-to form The Cochran Firm in New York.

Cochran is the go-to guy for a number of California attorneys. "If I were in trouble, I'd hire somebody I could trust," says Carl C. Robinson of Robinson & Pearman in Los Angeles, "and that would be Johnnie." Oakland civil rights attorney John L. Burris feels the same: "Given the kind of work I do, I'm always worried about the police, that they might plant evidence on me. If I were charged in a case with political overtones, or if I thought prosecutors were trying to cast me in a false light, I'd want somebody like Johnnie Cochran or Chris Darden on my side." University of Southern California Law School professor Erwin Chemerinsky also puts Cochran on his list.

### **Who He'd Hire**

If he couldn't pick his partners at **Cochran, Neufeld & Scheck** in New York, Cochran's dream team would star criminal defense attorney **Leslie H. Abramson** of Los Angeles.

### **Robert E. Courtney - Los Angeles**

In the Los Angeles legal community, Redondo Beach sole practitioner Robert E. Courtney is known as the lawyer's lawyer. "If I were charged with a crime of passion, I'd call Bob Courtney," says Pierce O'Donnell of O'Donnell & Schaeffer in Los Angeles, "not for his sophistication but because he's a phenomenal trial lawyer. He's got the best empathic skills I've ever seen. If you give him even the slightest opening as a prosecutor he'll drive a truck through it." The fact that his name doesn't sound familiar has a lot to do with why he's the lawyer of choice for lawyers in trouble. "Courtney's more concerned with keeping a lawyer client's name out of the paper than seeing his own name in it," says Thomas V. Girardi of Los Angeles's Girardi & Keese, who makes it clear he's not speaking from experience.

"It's always an honor to be hired by a member of the profession, but with it comes an added sense of responsibility," says Courtney, who remains tight-lipped when it comes to his previous clients. "Not only is there more scrutiny on your work, but in the back of your mind you always fear that you could lose the case, and with it the client's source of livelihood-their state bar license." Courtney has represented attorneys charged with everything from drunk driving to violent crimes. "I'm the kind of guy

who can't say no to somebody in trouble," he says. "Most lawyers don't want to do criminal cases because the stakes are too high, but I enjoy every minute of it."

As a teenager growing up in Los Angeles, Courtney acted in two pictures produced by Universal Studios-*Rock Pretty Baby* and its sequel, *Summer Love*. "I'm still acting," he quips, "but now I go to court to do it."

"He should have been a stand-up comedian instead of a lawyer," Girardi says. "He is the only lawyer in California who can make a jury laugh while defending an alleged murderer, and there is a difference between a laugh and a snicker."

Humor is a strategy, Courtney says. "I try right from the beginning to make a courtroom more of a place of comfort by having a friendly attitude and creating an aura of camaraderie," he explains. "In a criminal case, when the courtroom is tense-it just smells like conviction. I try to get jurors to laugh if something funny happens. Of course, there's nothing worse than trying to be funny and having it fall flat."

He says it is also important to maintain "the absolute trustworthiness of your word, both in the eyes of the court and the prosecution." On top of integrity and thorough preparation, it's also essential to listen. "Too many lawyers come into court with a program and don't deviate from it," Courtney says. "There are openings that appear all the time, but you have to be listening to catch them."

### **Who He'd Hire**

"I am in this business, so I'm reluctant to name names and exclude other equally competent attorneys. If I were in trouble, I'd shop around. I'd call lawyers I know and respect to see who was the best in the practice area where the alleged offense took place. I subscribe to the theory that a local lawyer is always an advantage, provided the lawyer is a criminal law specialist and his or her ethics are above reproach. Someone who will really fight and who knows the local court-I'd hire anyone who fit that bill."

### **Paul B. Meltzer - Santa Cruz**

Paul B. Meltzer is business casual-absolutely dead set on getting the best for his clients, but in a down-home, low-key way. "He's great at negotiating with DAs and federal attorneys in a noncombative way to get the best he can for his client," says Karen Snell of Clarence & Snell in San Francisco.

After graduating from Harvard Law School in 1977 Meltzer returned to his hometown of Santa Cruz and became a county public defender. He opened his own law office in 1979 and has been a sole practitioner ever since. Meltzer is perhaps best known for defending, on retrial, U.S. District Court Judge Robert P. Aguilar on charges of conspiracy and disclosing an FBI wiretap. Meltzer worked on the case for close to five years and finally got the indictment dismissed in 1996. His work on the case dazzled Snell: "He did it pro bono, and his commitment and creativity impressed me." *Ingenuity* is a term that pops up often when people describe Meltzer. "Paul thinks of things that no one else can think of," says Alan Ruby, "and they work."

In July 1999 Meltzer got a judge to dismiss all charges against software company Avant!'s cofounder Yun-Chung Cho, who, along with seven other codefendants, stood accused of conspiracy, theft of trade secrets, and securities fraud. Just two months later a San Bernardino County judge

dismissed all charges against three defendants in the much-publicized *People v Waste Management, Inc.*, No. FWV 16547, another case alleging trade secrets and securities fraud. Meltzer represented one of the three defendants. Last year Meltzer got all but one charge dropped against former Santa Cruz District Attorney Peter Chang. Chang represented a foster mother charged with child molestation, and he was accused of sending his client's alleged victim to Hawaii to keep him from testifying against her.

### Who He'd Hire

"I'm lucky to have worked on some great cases with some excellent attorneys. I would feel comfortable going to any of my co-counsel from the *Avant!* case. I worked with some amazing lawyers on that case, including **Alan Ruby**, **Kenneth W. Robinson** of San Jose, **Steve Manchester** of Manchester Williams & Siebert in San Jose, **Cristina Arguedas**, **Dan Bookin**, **Thomas J. Nolan** of Nolan Armstrong & Barton, **Jerry Roth** of Munger Tolles & Olson, and **William Goodman** of Topel & Goodman. And similarly, if I got in trouble in Southern California, I'd go to one of the attorneys I tried *People v Waste Management* with, such as **Brian O'Neill** and **Fred Friedman** of O'Neill Lysaght & Sun in Los Angeles, **Steve G. Madison** and **Christopher Tayback** of Quinn Emanuel Urquhart & Oliver in Los Angeles, **Rob Bonner** and **John Newell** of Gibson Dunn & Crutcher in Los Angeles, **Brian Hennigan** of Irell & Manella in Los Angeles, **Abraham Meltzer** (no relation), general counsel for California State University in Long Beach, **Jan Handzlik** of Kirkland & Ellis in Los Angeles, **Richard Beswick** of Milligan & Beswick in San Bernardino, and **Wallace Farrell** in San Bernardino."

### William L. Osterhoudt - San Francisco

In 1994 William L. Osterhoudt successfully defended Penelope Cooper in a case in which she and Doron Weinberg were accused of taking illicit payments to defend a convicted Oakland drug lord. In the early '70s Osterhoudt represented attorney Tony Serra in a grand jury investigation in Arizona. "Representing lawyers is a special responsibility," says Osterhoudt. "Too often the government goes after lawyers as some kind of trophy. It's important to protect the independence of lawyers and safeguard their right to be fiercely committed to their clients."

Last year Osterhoudt got a favorable ruling for a ranking member of the Parliament of Thailand who was brought up on federal criminal charges of conducting a marijuana importation enterprise. His co-counsel on that case, Karen Snell, notes that "Bill has an incredible sense of humor and is a great storyteller and mimic. He was one of the first assistant federal defenders in Northern California, so he's been around a while and can do good impressions of some of our judges." At the appellate level Osterhoudt prevailed in a notable Ninth Circuit case against a Bush (senior) administration policy that exempted prosecutors from court rules of ethics. *U.S. v Lopez* (1993) 14 F3d 1455. "Bill Osterhoudt is the best legal writer in the business," says Roger Cossack, cohost of CNN's *Burden of Proof*. "I can only say the same thing about his legal writing as Ross MacDonald said about Raymond Chandler's writing: He writes like a slumming angel."

### Who He'd Hire

"I'd hire **Penny Cooper** if I was in a jam. She is a great lawyer-very strong and committed, smart and quick. Some people just make good things happen in a courtroom. I represented her once, and I just admire her a lot. She is devoted to her clients, and prosecutors respect her. It takes time to establish credibility, and she is known for being honest and firm. She would never give up on anyone.

Penny would definitely be on my list."

**Harold Rosenthal** - San Francisco Part of Harold Rosenthal's strength as a defense attorney seems to lie in his unsophisticated demeanor. "Harold once was taking a box of documents out of his car in the courthouse parking lot when he banged his lip," says Karen Snell. "He had to deliver his opening argument with a fat lip. He's that kind of guy-the type who accidentally spills his water glass. And juries like him for it. He seems human and credible. He has the best win-loss record of any trial lawyer in Northern California that I know of."

Last year Rosenthal, of San Francisco's Riordan & Rosenthal, managed to get "Billionaire Boys Club" defendant Arben Dosti released from prison. Dosti, a member of a network of rich kids from Southern California, helped other club members kidnap a former Iranian official, who died while being held captive. Dosti was sentenced to life in prison without the possibility of parole. The case was later reversed, however, and Rosenthal was able to negotiate Dosti's sentence down to time served. Rosenthal has represented many lawyers, including former San Francisco Bar president Bob Wallach, who faced charges of tax evasion, and famed San Diego personal injury lawyer Patrick R. Frega against RICO charges. Currently, Rosenthal is representing former Palo Alto mayor R. B. Jones, who is charged with accepting bribes, and Mary Ross, a Contra Costa County health care executive accused of murdering her husband.

"Harold is one of those people you can always count on," says Barry Scheck, criminal lawyer and cofounder of the Innocence Project at Benjamin N. Cardozo School of Law in New York. "He's smart, personable, ethical, compassionate. He's also indefatigable and fearless. You know he'll fight for you."

### Who He'd Hire

"If I had to pick a California attorney to represent me, I'd go to **Penny Cooper, Doron Weinberg, Bill Osterhoudt, or Charlie H. James**, retired public defender of Contra Costa County. Penny has a really big heart. She's smart, experienced, and knows the law. Doron is a great intellect, and they don't come any smarter than Bill Osterhoudt. Charlie was a public defender for years. He's a great trial lawyer. Those who represent the indigent day in and day out are often overlooked. But if my posterior was in a sling, I'd trust Charlie to get it out."

### Alan Ruby - San Francisco

A partner at Ruby & Schofield, Alan Ruby has been practicing criminal and civil litigation for the past 30 years. His litigation highlights include *People v Eubanks* (1996) 14 C4th 580, a California Supreme Court case that established the standards for recusing a district attorney. Ruby also represented Lucille Hillestad, the former mayor of Los Altos Hills who was accused, along with her husband, of conspiracy and soliciting bribes. After seven months of trial all charges against the defendants were dismissed. Ruby also represented Robert Bonner in the bank fraud case of *U.S. v Bonner* (ND Cal) No. CR-9220106. The defense team won acquittals for all defendants.

"Alan Ruby is so smart about people and the law," says Cristina Arguedas. "He is a powerful presence in the courtroom and has good judgment about how to get to the right result."

### Who He'd Hire

**Dan Bookin, Kenneth W. Robinson, Cristina Arguedas, Paul B. Meltzer, or Steve Manchester.** "I'd call them all, and hire whoever agreed to help me first. I'd feel comfortable in any of

their hands."

### **Charles M. Sevilla** - San Diego

In his 30 years as a criminal defense attorney, Charles M. Sevilla has argued cases at all appellate levels. Currently a name partner at Cleary & Sevilla of San Diego, in 1990 he argued a case for Roger Hedgecock, the former San Diego mayor who had been accused of campaign reporting violations. Initially convicted of 13 felonies, 12 of which were reversed by the state Supreme Court, only 1 charge resulted in a misdemeanor for his client. *People v Hedgecock*, 51 C3d 395. Sevilla also helped set the current standard for the insanity defense, with his 1985 case of *People v Skinner*, 39 C3d 765. That case reversed the state's interpretation of the 1982 statute, former Penal Code section 25(b), or the "wild beast test," which held that a defendant could be found insane only if he or she met *both* requirements of a two-prong test: not understanding the nature and quality of his or her act, as well as not knowing right from wrong. *Skinner* reestablished the test that had been in use from 1850 until 1978: A defendant may be found insane on either criteria.

"If it was a death penalty case, I would probably get Charles Sevilla," says Ephraim Margolin of San Francisco. "Though he does mainly appellate work, he could handle that type of case." Dennis P. Riordan of Riordan & Rosenthal in San Francisco agrees: "I'd go to Chuck Sevilla. He used to be the No. 2 at the state public defender's office. He's smart and experienced."

### **Who He'd Hire**

"If I was accused of murder, I wouldn't have to go far from home because the defense bar here in San Diego is so good. Locally, I'd go to **John Cotsirilos**. First, I know him, and he is a fine person and a fine attorney. He is a very effective trial advocate. Same with **Steven E. Feldman**, **Peter J. Hughes**, and **John G. Phillips**, all in San Diego. **Robert Grimes** of San Diego and **Tom Warwick** of Grimes & Warwick in San Diego are also outstanding attorneys. I've worked with all these people, seen them mature as trial attorneys. I know they're very thoughtful and conscientious people. I'd give this list to anyone who called me. If they could get any one of these guys, they'd be well served. They are the best."

### **Michael E. Tigar** - Washington, D.C.

If you're determined to go to someone outside the state, Michael E. Tigar is a good choice. "If Clarence Darrow were still alive, I'd pick him," says Gerald F. Uelmen, professor of law at Santa Clara University School of Law, "but Mike Tigar is definitely the next best thing." Some say he's been a legend since law school, when fellow students at UC Berkeley's Boalt Hall School of Law used to trail him to class to see him take on his professors. Tigar graduated in 1966 and was offered a clerkship with U.S. Supreme Court Justice William J. Brennan. Before he could start, however, the clerk-to-be's leftist activities caught the attention of FBI Director J. Edgar Hoover. Under pressure from Hoover and others on the right, Brennan asked Tigar's permission to release a list of his political activities. Tigar adamantly refused, and it cost him the clerkship. Perhaps as a consequence, throughout his impressive career Tigar has relished battles in which he thinks prosecutors and government agencies have overstepped their bounds.

Tigar has represented Angela Davis, the Chicago Seven, former Texas governor John Connolly (who was acquitted after being accused of taking bribes from dairy producers), and John Demjanjuk, alleged to be the Nazi war criminal called Ivan the Terrible. Demjanjuk was deported to Israel in 1981, but he was eventually exonerated amid charges that the U.S. government knew he was not who

prosecutors claimed he was.

In 1997 Tigar represented alleged Oklahoma City bombing accessory Terry Nichols, who was acquitted. "The *Nichols* case was the pinnacle of his career," says Dennis Riordan. "It was a case that could be won, but only by a great lawyer. Many of us are good lawyers, but others are legends-and Michael falls into that category," says Riordan. "He has weapons that others don't have."

### **Who He'd Hire**

"If I couldn't hire my son, **Jon Tigar** [a partner at Kecker & Van Nest], then I would hire **Harold A. Haddon** of Denver, Colorado. I first worked with him 25 years ago. He is superb." Haddon has been the attorney of record for John and Patsy Ramsey since the start of the 1997 murder investigation of the Ramseys's daughter, JonBenet.

### **Doron Weinberg - San Francisco**

San Francisco attorney Doron Weinberg has represented numerous attorneys over the course of his 28-year career as a criminal defense attorney. "Every case is important," he says, "but when a colleague trusts you with not only their immediate fate but also their professional career, there is a lot at stake. That's not always the situation in other cases."

Weinberg, of Weinberg & Wilder, worked on the tightly coordinated defense of U.S. District Judge Robert P. Aguilar on charges of racketeering in 1990. After the jury hung in favor of the defense, Aguilar was retried and ultimately exonerated by the Ninth U.S. Circuit Court of Appeals. Last year, Weinberg represented former California Department of Insurance Senior Staff Counsel Cindy A. Ossias, who blew the whistle on Insurance Commissioner Chuck Quackenbush. When Quackenbush learned that documents were leaking out of the office, he initiated criminal proceedings against Ossias. Weinberg was able to protect Ossias's testimony against Quackenbush by negotiating with the California Legislature to grant her immunity.

Weinberg, however, is most proud of an obscure habeas corpus appeal he worked on in 1980 for a client who was erroneously convicted. "We were able to unravel the case, prove his innocence to the court, and even get a confession from the person who committed the crime," he recalls. "The [falsely] accused has lived an exemplary life ever since."

"Doron Weinberg has a photographic memory," says Karen Snell, "and he's good at taunting witnesses into disclosing their lack of credibility. I remember he once got the government's key witness so angry that the guy rose out of his chair to yell at him."

But Weinberg sees the defense attorney's Holy Grail-an acquittal-as increasingly difficult to achieve. "I started my career in the glory days of the '60s and '70s, when an individual's constitutional rights were of paramount importance to the courts," he says. "Courts were fearful of extreme police or governmental power. Now the pendulum has completely swung the other way. Juries are so fearful of a guilty defendant going free that they've become insensitive to the possibility of injustice."

### **Who He'd Hire**

For Weinberg, the question is not hypothetical. He and Penny Cooper were charged in 1994 with taking illegal payments to defend a drug lord. "I hired **John Kecker**," says Weinberg, "and he did an excellent job."

*Janet Weeks is an associate editor and Benjamin howell and Jeanna Steele are assistant editors at CALIFORNIA LAWYER.*