

LEGAL SYSTEM

The best, the worst of 2005

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Herewith, a look at the legal highs and lows of 2005:

THE BEST



Martha Stewart

● **Best defendant:** Martha Stewart could have postponed prison until the conclusion of her long-shot appeal, but, instead, she continued to hold her head high, serving her time while appealing her crime. As a result, her business survives, her career thrives and, even if her dark-horse appeal never reaches the finish line, she has gained a new book deal, television shows and a forgiving public.

● **Best performance at a confirmation hearing:** John Roberts became the Chief Justice of the Supreme Court, setting the gold standard for nominees by avoiding specific positions while displaying a masterful command of the issues and the image of a middle-aged Boy Scout. This created the year's "Toughest Act to Follow," turning Harriet Miers, an otherwise decent nominee, into a political punching bag and setting the stage for Judge Samuel Alito, who reprises Roberts' substance if not his engaging presence.



COFFEY

● **Best press conference:** Special Prosecutor Patrick Fitzgerald, while passing, for the time being, on Karl Rove, indicted "Scooter" Libby and discussed the charges in clear and objective terms, without spinning or hyping, a welcome example of "just the facts, ma'am." This was not only an impressive start for a challenging case, it was a great message for Bush's Justice Department, showing tenacity and integrity rather than pulling punches or showboating for the cameras.



John Roberts

● **Best reason why defendants usually shouldn't testify:** Early on in his criminal case, Robert Blake kept changing lawyers because he wanted to tell his story to the whole world about his wife's murder. When his criminal case went to trial, though, his attorneys kept him off the stand and created a reasonable doubt by attacking dubious witnesses for the prosecution.

Later in the year, during his civil trial, though, Blake testified at length, showing more defensiveness, sarcasm and belligerence than grief. The result: Blake was acquitted of the criminal charges but hammered with a \$30 million damages verdict in the civil case.

The question: Will he be moving to South Florida to join O.J.?

THE WORST

● **Worst year for defendant CEOs:** It's getting very lonely at the top for CEOs — WorldCom's former boss, Bernie Ebbers, is convicted of \$11 billion fraud and goes to prison for 25 years. Tyco's ex-CEO, Dennis Kozlowski, is nailed for stealing hundreds of millions and sentenced for up to 25 years. For Adelphia's founder, 80-year-old John Rigas, it's 15 years in federal prison. Even the one who seemingly got away faces a rematch, as Health South's founder, Richard Scrushy, was acquitted of fraud charges in June but was indicted on new charges in October.

● **Worst witness:** The accuser's mom in the Michael Jackson trial combined theatrics, bluster and more baggage than a busy airport in late December. Her one-woman wrecking crew not only battered her own family's credibility but also caused collateral damage to the rest of the prosecution. As a result, to the surprise of many, Jackson moon-danced out of court, and the mom has since been arrested for welfare fraud.



Michael Jackson

● **Worst defendant (U.S.):** The BTK killer's cold-blooded account of 10 brutal murders during his guilty plea reflected self-satisfaction rather than remorse and became great advertising for those who believe that even life in prison is not punishment enough for some criminals.

● **Worst defendant (international):** With Saddam Hussein's combination of predictable diatribes and trivial complaining about things such as his clothes, his trial strategy of going AWOL was a welcome respite.

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Saddam Hussein