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Law Journal Profile

**DEFENSE OF MEL MILLER: ONE IN A LIFE OF BATTLES FOR SCRAPPY
LEFCOURT**

Daniel Wise

GERALD B. LEFCOURT has come out with his fists swinging in defense of his most recent high-profile client, New York State Assembly Speaker Mel Miller. Mr. Miller is a member of the "hunted class," Mr. Lefcourt said, and his "scalp" is just the type that young prosecutors are looking for to put on their announcements so they can "cultivate" clients when they go into private practice. Mr. Lefcourt, who became famous early in his career as a defender of radicals, has made anti-government outrage his stock in trade. A defender of Columbia University strike leader Mark Rudd, activist Abbie Hoffman, Black Panthers and Black Liberation Army members in the 1960s and 70s, Mr. Lefcourt has applied his "challenge-authority" strategy in more recent years on behalf of establishment figures.

In addition to Mr. Miller who has been indicted in U.S. Court in Brooklyn for a conflict of interest in representing investors in a Brooklyn cooperative, Mr. Lefcourt's more notable clients in the past few years have included real-estate developer Harry Helmsley; Marvin Kaplan, a co-defendant in the prosecution of former Bronx Democratic leader Stanley Friedman; and Bruce Newberg, a trader for Drexel Burnham Lambert. Mr. Lefcourt has "a healthy sense of disrespect for authority," said Theodore V. Wells of Lowenstein, Sandler, Kohl, Fisher & Boylan in Roseland, New Jersey, who recommended that Mr. Lefcourt be retained to represent Mr. Newberg in the Princeton/Newport case. He brings the same "enormous passion--a belief in the correctness of his positions--to his white-collar cases as he did to the political cases," said Martin Flumenbaum of Paul, Weiss, Rifkind, Wharton & Garrison, a lawyer for the former head of Drexel's bond department Michael Milken. Mr. Milken was a co-defendant in a second federal prosecution naming Mr. Newberg.

Makes Transition

The transition from a defender of political renegades to defender of the rich or famous was more than a decade in the making. He is one of the few criminal lawyers who has made the transition from a "black sheep" defender of fringe causes to a "very well respected leader of the criminal defense bar," said Lawrence Goldman, a criminal defense lawyer at Goldman & Hafetz. Mr. Wells said he

met with initial skepticism when he suggested bringing Mr. Lefcourt into the Princeton/Newport case. Some colleagues, Mr. Wells said, had Mr. Lefcourt pegged as a "drug lawyer" and questioned whether he had the sophistication to handle the financial complexities of a securities-related case. Those doubts aside, a number of lawyers familiar with Mr. Lefcourt's work said he would be just the one other lawyers would turn to when they know they are headed for a courtroom confrontation: he will take the offensive with a refined sense of outrage over government overreaching; and, lacking "old boy" ties to any U.S. Attorney's office, he is unlikely to cut a deal behind his co-defendants' backs. Also, the book on Mr. Lefcourt is that, despite his penchant for going "toe-to-toe" with the government, he has a "nice guy" persona in the courtroom that goes over well with juries. The "good guy" persona is one that naturally works for Mr. Lefcourt, said Sanford Katz, who was his co-counsel in winning an acquittal in the mid-1970s of a Black Liberation Army member accused of murdering two police officers. He is a "gentle, soft-spoken guy," and at 5 feet, 6 inches, not particularly imposing, who gets his information by putting witnesses at ease rather than by banging them over the head, Mr. Katz said. He has "a nice little shtick," Mr. Goldman said, in often punctuating points he has scored with a sarcastic remark; he succeeds in getting the "nastiness quickly diffused by an infectious laugh."

Brainpower

Mr. Lefcourt also wins points with other members of the criminal defense bar for his intellectual rigor. Mr. Wells recalled defending a case in the early 1980s in which the U.S. Coast Guard had seized 40 tons of marijuana. At the time, Mr. Wells said, Mr. Lefcourt was recognized as the national expert on the applicability of the Fourth Amendment to seizures on the high seas. Through bar association work, added Mr. Goldman, Mr. Lefcourt has been on the "cutting edge" of developing the criminal defense bar's response to a host of important issues including fee forfeitures, attorney subpoenas and racketeering prosecutions. But, it was not until Mr. Lefcourt's involvement in the Stanley Friedman case that his skills gained recognition, several lawyers said. The Friedman trial provided a "showcase for Mr. Lefcourt's talents" and he received "real good reviews" for his performance which circulated widely throughout the bar, Mr. Wells said. In the Friedman trial, Mr. Lefcourt displayed a degree of mastery and preparation that notched him onto the 'A list' of criminal defense lawyers," said Robert Kasanof, a member of the defense in the New Haven trial.

Life on the West Side

Mr. Lefcourt was raised on the Upper West Side, where he continues to live. His father was an optometrist with a practice in Jersey City, and his mother's family owned the Diplomat Hotel. He attended Columbia Grammar and Preparatory School, and went on to New York University and Brooklyn Law School. His first foray into political organizing was at Brooklyn Law School where he and his sister-in-law, Carol, organized a local chapter of a law students' civil rights organization. After graduation from law school he was active in organizing a union

of Legal Aid Society lawyers. He was dismissed by the Society while the organizing effort was under way.

Since 1971 he has been in several law practices, starting with a five-person "law commune" which included his sister-in-law, who is now counsel for City Councilwoman Ronnie Eldridge. He currently practices with one other partner and two associates. He is married to Ilene Lefcourt, his teenage sweetheart, a psychologist who specializes in parent-child relationships. They have two teenage children. For vacations, the family often travels either out west or to the Swiss Alps to ski. Mr. Lefcourt has run in six marathons, the last in 1982. He continues as a recreational runner, jogging four or five miles on most days. He is also a fiercely competitive tennis player, according to his friends. "He doesn't just want to win," said Ira London, a criminal defense lawyer and frequent tennis partner, "he wants to put you away." When he has fired off an unreturnable shot, he is quick "to let you know it," added Mr. London. 12/14/90 NYLJ 1, (col. 3) END OF DOCUMENT