

# LONG DAYS, SLEEPLESS NIGHTS FOR SMITH'S DEFENSE TEAM

4:20 p.m. Thursday, Dec. 10, 2015

*This story was originally published on Friday, Decemeber 13, 1991*

The defense never rested.

William Kennedy Smith's attorneys often worked 20 hours a day during his 10-day rape trial and could not even remember clearly names of the condominium complexes where they had slept.

"White Hall? White Tower? Something like that," Smith's lead attorney, Roy Black, said. "It was on a golf course."

Defense attorney Mark Schnapp, who stayed in the condominium complex next door, didn't even bother guessing what his was called.

"It was just a bed," he said.

At the conclusion of each trial day, Black, Schnapp and the other two defense attorneys, Mark Seiden and Holly Skolnick, drove to the West Palm Beach office of Schnapp's law firm in Phillips Point, settled themselves around a large third-floor conference table, ordered dinner and got to work -- again.

"One or two times I fell asleep in my chair," Black said.

The defense team usually adjourned at midnight or 1 a.m. Black then returned to his rental condominium, slept until 3 a.m. and then began poring over case files.

The workload didn't let up Thursday, even after Smith's acquittal. Black, Schnapp and Seiden spent the day rotating between Schnapp's law office and the armada of TV satellite trucks at a church school parking lot Across the street from the courthouse.

Schnapp, looking like a participant in a sleep deprivation experiment, repeated himself for the row of TV cameras planted along Olive Avenue.

At one point, Black could be seen simultaneously on CBS This Morning and ABC's Good Morning America in separate interviews, one taped, the other live. The pace continued after Black and Seiden returned to Miami in the evening. Seiden appeared on CNN's Crossfire, and Black appeared on Larry King Live with David Roth, the attorney who represented the woman who accused Smith of rape.

Black reviewed the trial in depth in a continuous series of news conferences. Among his revelations:

- \* Smith's attorneys deliberately avoided referring to him as "Doctor," even though Smith has graduated from medical school. Black said he was worried the title might sound "elitist."

- \* Midway through the trial, the defense team decided to cut several expert witnesses from their case because they felt the jury had seen enough expert testimony.

One, Dr. Richard Lyon, is an acoustics expert at the Massachusetts Institute of Technology who had five co-eds scream outside his office to bolster the argument that Smith's accuser could not have screamed, as she claimed, without waking someone inside the Kennedy house.

Another expert, Dr. Vincent DiMaio, chief medical examiner in Bexar County, Texas, would have helped argue that the woman's bruises were not consistent with her claim that Smith tackled and raped her.

\* The biggest mistake prosecutors made was calling Sen. Ted Kennedy to the stand, Black said. Kennedy did almost nothing for the prosecution's case, but impressed the jurors and garnered sympathy among the jurors for Smith, he said.

"Those six jurors were within 10 feet of a piece of American history, and they knew it," Black said. "They were mesmerized."

\* Prosecutor Moira Lasch should have abandoned her attempts to present testimony from three other women who say Smith attacked them and instead should have pushed for an Aug. 5 trial date, Black said.

The trial was delayed because of extensive publicity about the three women, after Lasch made their statements public. An Aug. 5 trial date would have forced Smith's attorneys to rush to prepare their case, Black said.

"Catch your enemy before they're prepared," he advised. "Miss Lasch's best chance of winning this case was an Aug. 5 trial date."