

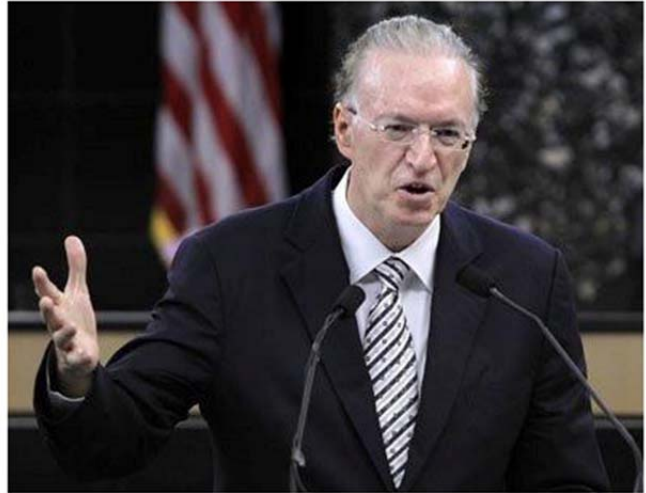
COVERAGE OPINIONS

Judicial Opinions Today - Impact On Counsel's Opinions Tomorrow

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**Declarations: The *Coverage Opinions*
Interview With Roy Black**

**His Legendary Career And Obsession;
Fantastic Blog; Having A Crystal Ball;
Searching For Sugar Man; Repping
Justin Bieber**



Roy Black speaks to potential jurors in the John Goodman DUI manslaughter trial (2012)

Justin Bieber doesn't seem to have any adult supervision in his life. And if he does it's coming from Cheech and Chong. But not long ago he needed some serious advice – and in a big way. The stakes were high. It was no joking matter. He had a lot to lose. And fortunately for him a grown-up showed up just in time.

In January of this year Bieber was arrested in Miami Beach in the middle of the night for allegedly driving under the influence of marijuana, alcohol and prescription pills. According to numerous media reports, at the time he was allegedly going twice the speed limit, in a residential neighborhood and with an expired driver's license. The charges also included non-violent resisting arrest. And while it's not against the law to drive a yellow Lamborghini, Bieber was behind the wheel of one when all of this went down. Just another day at the office for the Biebs.

But somehow, someone in Bieber's posse knew that when you get arrested in Florida, and have a lot to lose, the proverbial one phone call that you get must be to Roy Black. Black was in court just a few hours later getting Bieber sprung on bail.

In an era when we are too quick to throw around the legend label, Roy Black truly deserves it as a trial lawyer – having spent four decades representing people that have everything to lose. He was kind enough to give me 30 minutes of his valuable time to discuss his long and distinguished career and obsession with the study of trial practice. I also asked him about his fantastic blog, the movie that he'll never forget and the crystal ball that seems to sit on his desk. Oh, and of course, no way, no how was I letting him off the phone without asking about Bieber.

Trial By Fire

In the introduction to *Black's Law*, Black's 1999 book in which he discusses his trial strategies in four serious cases, he recounts his first day as a lawyer. It was January 1971 and Black went to work for the Dade County Public Defender's office. His boss handed him a thin file and said: "Your first trial is tomorrow. A woman charged with second-degree murder of her boyfriend." He and another rookie lawyer fumbled though the case and somehow, "probably from pure luck," won.

Black explained to me that these were the early days of the public defender system in Miami-Dade County. There were only ten attorneys for all of the indigents in a county of more than one million people. And, what's more, the job was considered part-time. I expressed horror at such situation. But the system has now "changed dramatically" from those early days, Black assured me. Now hundreds of lawyers, with support services, do the job that Black and nine others once had.

Can you imagine handling a second-degree murder trial on your second day as a lawyer? These days some civil lawyers wait five years to get into court. And when the big day finally comes it involves an unopposed discovery motion.

But Black got exactly what he wanted when he stepped into that courtroom. He says in *Black's Law* that he chose the public defender's office, after graduating from the University of Miami Law School, because he didn't want to spend his life "worrying whether clients may or may not have breached subsection C of paragraph 2" [i.e., my life] and he knew that virtually all civil cases settle.

The Next 43 Years

Black has been at it for 43 years since that day in 1971. Despite obviously being involved in innumerable cases, there is one that is guaranteed to make the first paragraph of his obituary (G-d forbid, as my mother would make me say here). In 1991 Black represented William Kennedy Smith (nephew of Kennedys John, Robert and Ted) for an alleged rape taking place in Palm Beach. The televised trial received non-stop and worldwide media attention. When you think of a televised trial, of a prominent person, for a serious crime, receiving worldwide media attention, the name Simpson probably comes to mind. But the rape trial of William Kennedy Smith, four years earlier, was in fact the first to meet all of these criteria. Smith was acquitted. And Roy Black became famous.

The bio from his firm website describes Black's career like this. He is the senior partner of Black, Srebnick, Kornspan & Stumpf, P.A. in Miami. Mainly as a criminal defense attorney he has handled hundreds of cases in Florida and throughout the United States. He also handles select civil lawsuits.

Perhaps best known for his successful defense of William Kennedy Smith on rape charges in Palm Beach, Florida, Black also successfully defended Eller Media (now known as Clear Channel Outdoor) against manslaughter charges stemming from the bus-bench electrocution of a 12-year-old boy in Miami; Albertson's, Inc., when the State of Florida charged the Fortune 500 company with manslaughter in the death of a shoplifter; and artist Peter Max in New York. Other noteworthy clients have included Rush Limbaugh, Kelsey Grammer, South Florida police officers Luis Alvarez and William Lozano and banker Fred De la Mata. Black successfully represented 3-time Indy 500 winner and Dancing with the Stars champion Helio Castroneves in a 6-week tax trial where he was charged with income tax evasion. Black has defended numerous other clients on charges ranging from murder to securities fraud, bank fraud, healthcare fraud, money laundering, internet sex crimes, mail and wire fraud and tax evasion.

Some of Black's other high profile clients that I discovered include polo mogul John Goodman (DUI manslaughter trial), Marv Albert, Joe Francis (Girls Gone Wild founder) and Solange Knowles (Beyonce's sister). And his firm's website lists many more high-profile cases that I'm sure Black had his hand in one way or another.

Roy Black has made numerous television appearances, on several network and cable channels, discussing high profile cases. He has served as a legal analyst on The Today Show and Good Morning America. Black also played the "Managing Partner" of The Law Firm, a short-lived NBC reality-based TV show that was a legal version of The Apprentice.

Here's what Black told Miami magazine in a 1998 profile: "The kind of cases I handle are the ones people can't afford to lose." "I represent people who want whatever can be done to be done. There are only a few lawyers who are willing to go as far as I do, strategically. My cases are World War III to me. I don't take prisoners when I go to trial."

Black obviously can't take every new case that is offered to him. He no doubt must choose among many opportunities that come across his desk. I asked him how he decides which ones to take. He looks for ones that offer the opportunity to learn something new, he told me. Black used an insurance example – telling me about his recent involvement in a case concerning life insurance and he was fascinated with learning things he never knew about how that industry worked.

I asked Black if people work harder to beat him so they can say that they beat Roy Black. He didn't rule it out but also explained that in his cases – mostly in federal court involving white collar and financial crimes, securities fraud and the like -- the government's incentive to win is so great that they would be working that hard anyway. So he essentially downplayed the idea of there being any real Roy Black factor in his cases.

Any discussion of Roy Black must also include a few other well-known facts. He is married to Lea Black, a juror from the William Kennedy Smith trial and cast member on The Real Housewives of Miami. The Blacks have thrown an annual charity gala for the past 19 years that has raised \$12 million for the benefit of at-risk youth. South Florida Opulence magazine called the Blacks' gala "the city's most prestigious, star-studded charity event." This ain't Iowa folks. That's sayin' a lot. This year's gala takes place on October 25th.

Roy Black's Blog And Obsession

Roy Black has a blog – also named Black's Law like his book. You can find it at www.royblack.com/blog. He started the blog in March 2011 and in the first post set out its unique and modest goals: "I am taking this on for personal reasons. I have no intent to change the world, or garner a large audience. My purpose is purely self interest. I am writing this to teach myself. No one else. So this will be personal. I find that putting my ideas on paper helps crystallize them. It makes me think and work out ideas. . . . So what type of things will I write about? I am not going to report on the local courts and legal proceedings. We already have wonderful blogs for this. . . . My project will involve all things related to actually trying cases. The trial techniques, practices, psychology and everything impacting trials."

Black has stayed true – very much so -- to the blog's purpose. Consider this July 29, 2013 post. The George Zimmerman trial had just ended. The not guilty verdict was all over the news and every legal commentator was spouting off on the facts of the case, how they likely played into the verdict and the public's response to it. But not Roy Black. Here's what he had to say about it: "Think back on the just-completed Zimmerman trial, not for the backlash on the verdict, but rather for what we can learn from it to improve our advocacy." That's Black's Law.

Review the posts on Black's Law and your conclusion will be immediate: Roy Black is obsessed with trial practice – doing it, studying it and teaching it (something he has done for over 30 years at the University of Miami Law School). And he says that he still has more to learn. He told me that the day he stops getting better at it is the day he gives up. Otherwise "you are only going backwards."

On the blog Black looks for an advocacy or trial practice aspect in everything. Lots of people have been talking about the Oscar Pistorius trial. Black doesn't talk about the big picture. Instead he analyzes in exacting detail the prosecutor's cross examination of Pistorius. Black analyzes Douglas MacArthur speeches and finds lessons in them for final argument. He watches a Presidential debate and compares it to a trial's final argument. He writes often about the critical importance of the first minute of an opening or final argument. While Black's Law covers a lot of ground when it comes to trial practice – technique and psychology – its greatest achievement is that the material is presented in such a manner that you do not need to be a trial lawyer to enjoy it or learn from it (except, perhaps, for the several page post on how to introduce a business record into evidence under rule 803(6)).

Despite its diversity of subjects, Black's Law has one overarching theme. Black says it over and over on the blog, he told it to me on our call and he even said it again in a post the day after our call: "I have said many times before that there is no gene, no innate talent, no instinct for trial practice. It is all skill that can be mastered."

When I suggested to Black that maybe it was time to ease up on practicing law and take advantage of his celebrity, street cred, experience and good looks to focus on media work, he had no interest. Instead he sees the blog as his vehicle to achieve his goal of explaining to the public what's going on during trials.

Searching For Sugar Man

While the Black's Law blog is hard core advocacy and trial practice, it is also peppered with posts here and there that involve nothing of the sort. One involves a movie documentary called Searching For Sugar Man. Black described it like this: "There is something about this film; I can't stop telling people to see it. It is unbelievable. One of a kind. Thrilling. It sends chills down your spine. Literally. What a story. If the facts were not so well documented, I would think this story was made up. It sounds too good to be true, but it is. And that is what makes it compulsive viewing."

I had never heard of Searching For Sugar Man. But with a review like that I went to the video store that night and rented it (yes, there is somehow one of those still left in my neighborhood). Every word of Black's review is accurate. Searching For Sugar Man is about a Bob Dylan-like singer, songwriter, guitarist named Rodriguez who in the late-1960s was playing some small bars in Detroit. He got a record deal and made two albums that went nowhere. He was dropped from the label and went on with his life of construction and assorted hard labor. But completely unbeknownst to him, his first album found its way to South Africa, where it became hugely popular with anti-apartheid youth for its anti-establishment message. So as incredible as this sounds, while Rodriguez was living in obscurity in Detroit, working as a laborer, he had no idea that he was a rock star in South Africa. [Such was life before the internet.]

Rodriguez was believed to be dead – having committed suicide on stage in one of a couple of different ways. A South African music journalist went in search of the answer to how Rodriguez died. However, he discovered that Rodriguez was in fact alive and well living in Detroit. He tracked him down and Rodriguez now learned for the first time that his popularity in South Africa was on par with Elvis and bigger than the Stones. I won't tell you what happens from there.

I told Black that I watched Searching for Sugar Man based on his recommendation and we talked about Rodriguez's story and the power of the film for a few minutes. Black told me that when the film finally came to Miami he rented out the theater for the premier and invited friends to view it. Just some more Roy Black passion. If you have not seen Searching for Sugar Man – do. It's been over a week since I saw it and I still get chills thinking about it.

Roy Black's Crystal Ball

Roy Black seems to have a knack for knowing about things before many of us. In an August 1, 2012 post on Black's Law, he discussed the just under way Summer Olympics in London. Speaking about the indomitable spirit of athletes, Black mentioned that Oscar Pistorius would be running 400 meters with prosthetic legs. Few outside of South Africa knew the name Oscar Pistorius at that time. Black's blog post raving about Searching for Sugar Man came on August 30, 2012. The movie won the Academy Award for Best Documentary in February 2013. Black represented Solange (Beyonce's sister) in 2011 (a police officer allegedly pulled a knife on her). Sure Solange was famous in 2011, but nothing like now on account of her recent elevator ride with Jay-Z and Beyonce. I mentioned these things to Black and joked that he must have a crystal ball on his desk. He certainly has one when it comes to looking inside the head of jurors and witnesses.

Repping Justin Bieber

As my call with Roy Black was coming to an end it was time to ask the question that Black had to know was coming. "You gotta give me something about Bieber," I said. "Can he get a fair trial?" Well of course there will be no trial he responded. The case will be resolved with a plea – and some discussions are now being had, Black said. But here's the hard part, he explained. Any deal can't include a probationary component. Bieber's lifestyle is just not cut out for meeting the regimented requirements of probation, such as checking in with a probation officer. Black was not making excuses for Bieber or suggesting that the rules did not apply to him. Not at all. He was simply recognizing the uniqueness of his client and trying to do his best for him. He said that he needed to avoid a Lindsay Lohan situation. By that he meant probation that has too much risk for violation. Lohan has faced constant legal troubles over the years caused by a series of probation violations. I told Black that I would stay tuned to TMZ to see how it turns out. "They'll know about it before me," he said.

What's Next?

My final question for Roy Black was the obvious one -- how much longer does he plan to go at it. His answer was immediate and unambiguous. "I have no intention of slowing down." What else would I do he asked rhetorically. "They're going to have to carry me out."