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• APPEALS • CORPORATE LAW • BANKRUPTCY •

• CIVIL LITIGATION • INTERNATIONAL LAW • ENVIRONMENTAL/PUBLIC INTEREST •

• REAL ESTATE/CONSTRUCTION • CLASS ACTION • CORPORATE LAW •

SPECIAL REPORT:

2005 MOST EFFECTIVE LAWYERS

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• CRIMINAL DEFENSE • LOBBYING • BANKRUPTCY •

Telling the tales

For South Florida lawyers, tough cross-examinations, sticking to the game plan and keeping an eye on the big picture helped bring impressive results

Today the Daily Business Review presents its inaugural edition of Most Effective Lawyers in South Florida, a compendium of a selected body of work by members of the legal community in Miami-Dade, Broward and Palm Beach counties.

The Review recognized more than 40 attorneys Tuesday in Miami for their accomplishments on behalf of clients in both the private and public sectors.

Members of the Review editorial staff made the selections, culling through civil and criminal case results and business and real estate deals as reported in the newspaper's editorial pages during 2005. More than 100 nominations from readers were also considered.

The staff chose to highlight 30 outcomes in 10 categories: appellate, bankruptcy/receivership, civil litigation, class action, corporate, criminal defense, environment, international, lobbying and real estate/construction.

In deciding the selections, Review staff members considered the public policy significance, business impact and the end result for the client.

The selections published in today's editions are by no means intended to be a comprehensive roundup, but a snapshot of outcomes achieved by lawyers who overcame significant legal and nonlegal obstacles both inside and outside the courtroom. ◆

AIXA MONTERO

Audio tape unwinds federal case

A May 2004 federal grand jury indictment accused jewelry makers Raphael S. Adouth and Lourdes M. Challiol, along with their companies, Rosenthal Jewelers Supply and Rosenthal LLC, of taking more than $8 million in cash from drug dealers as payment for gold bullion between October 1998 and March 2004.

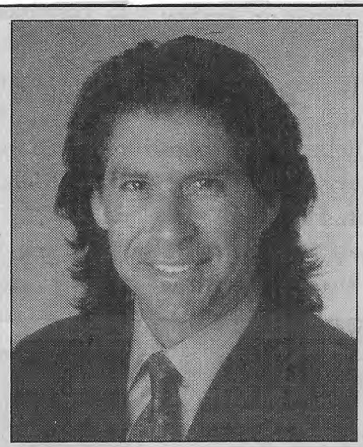
The Internal Revenue Service and other government agencies began to focus on Adouth and Challiol because of the company's large clientele of gold customers from Colombia who paid in cash, according to the defense attorneys. The government organized an undercover sting operation called Operation Gold Star.

The indictment charged the defendants with eight counts of money laundering conspiracy, alleging that they knowingly helping drug dealers launder money through the purchase of gold bullion.

The trial started last February. The defense team had to overcome juror prejudice because Adouth and Challiol were doing cash business with Colombians, said defense lawyer Howard Srebnick of Black Srebnick & Kornspan in Miami. The defense lawyers alleged that the government unfairly set up their clients and that IRS agents gave false and misleading testimony.

A key piece of evidence that apparently helped sink the government's case was a tape obtained by his colleague Roy Black of a conversation between one of the IRS agents involved in the investigation and an informant. On the tape, undercover IRS agent Sergio Ramil expressed surprise that Adouth wouldn't take the informant's "sweet" deal and discussed how they needed to work hard-

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Criminal defense lawyers Howard Srebnick and Roy Black argued defense lawyers alleged that IRS agents gave false and misleading testimony against their clients.

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er to convince Adouth. Another agent called Adouth a "clown" and used an obscenity to describe him.

The IRS thought the tape machine was turned off when the offhand conversation was recorded. Prosecutors apparently did not review the tape before trial.

The defense did.

During the trial, Black asked Ramil whether he'd ever said such things, and Ramil denied it. Then Black played the devastating tape. The agent's denials ruined his credibility with the jury and exposed how the government engaged in entrapment, Srebnick said.

In addition, the jury apparently was swayed by defense accounts of Adouth's and Challiol's long history of complying with the law and paying their taxes.

On March 3, following a three-week trial, a jury found the defendants not guilty on all counts.

Defense attorneys, in motions to obtain attorney fees and costs from the government, also accused the government of anti-Semitism in its prosecution of Adouth, a former synagogue president. Jane Moscowitz of Moscowitz Moscowitz & Magolnick in Miami said an informant referred to Adouth on surveillance tapes as "the Jew" and Black and Srebnick accused the government of gross insensitivity for calling the scheme "Operation Gold Star." Moscowitz said that "can only be a reference to the yellow stars Jews were forced to wear in the Holocaust."

Mark Schnapp, and Stehen J. Binhak of Greenberg Traurig represented Rosenthal Jewelry Supply, said what really won the case for the defendants was preparation and teamwork by the five defense lawyers. "We functioned very efficiently as a team," he said. "Plus, we had clients we really believed in."

The case in the U.S. District Court, Miami, was *U.S.A. v. Raphael S. Adouth, Lourdes M. Challiol, Rosenthal Jewelry Supply and Rosenthal LLC of Miami.*

— Julie Kay