

2016 Most Effective Lawyers: Appellate

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SCOTT SREBNICK, HOWARD SREBNICK AND JOSHUA SHORE.

Howard Srebnick and Joshua Shore Black, Srebnick, Kornspan & Stumpf

Scott Srebnick, Law Office of Scott A. Srebnick

On Miami attorney Howard Srebnick's birthday this year, he received quite the gift: a U.S. Supreme Court ruling in his favor.

Srebnick successfully argued in *Luis v. United States* that criminal defendants should be allowed to use untainted assets to pay for the lawyer of their choice. The Black, Srebnick, Kornspan & Stumpf partner called the March 30 decision a victory for the Sixth Amendment and said an opposite ruling would have "spelled the demise of the private criminal defense bar."

It was Srebnick's second time before the nation's highest court. In 2013, he argued *Kaley v. United States*, asking the court to find that assets traceable to a crime should not be restrained when needed for attorney fees. The justices ruled against him in that case.

Luis and Kaley are the stepchildren of forfeiture cases *United States v. Monsanto* and *Caplin & Drysdale v. United States*, both of which were argued before the U.S. Supreme Court in 1989. Many of the justices on today's Supreme Court were not around to see those arguments — but Srebnick was.

As a student at Georgetown law school, he was invited to join law professors and practitioners to moot the lawyers who were preparing to argue *Monsanto* and *Caplin & Drysdale*. He then attended the oral arguments.

"This issue was the one I was introduced to as a second-year law student," Srebnick told the *Daily Business Review* after arguing Luis in November 2015. "I don't want to say it's a dream come true, but it's the culmination of my academic focus for the past 25-plus years."

Srebnick received nearly around-the-clock help from his brother, appellate attorney Scott Srebnick of the Law Office of Scott A. Srebnick, and Black Srebnick associate Joshua Shore.

Howard Srebnick also helped secure a U.S. Supreme Court win for the defendants in *Puerto Rico v. Sanchez Valle* in June. The justices found the "dual sovereignty" doctrine barred Puerto Rico from prosecuting the defendants after an American court had ruled on the same charges.

The opinion was consistent with an amicus curiae brief Srebnick prepared as counsel of record for the Miami chapter of the Florida Association of Criminal Defense Lawyers.

Finalists

- Beverly Pohl, Broad and Cassel
- Andrew C. Hall and Roarke Maxwell, Hall, Lamb and Hall