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# ATTORNEY AT LAW

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MAGAZINE®



## 2019 SUPERSTARS



## 2019 RISING STARS



ROY BLACK  
LEGAL LEGEND

Goldberg  
& Rosen, P.A  
LAW FIRM OF THE MONTH

# HOWARD SREBNICK

## A True Believer

**AALM:** When did you first know you wanted to become a trial lawyer?

**Srebnick:** The summer before I started law school, I interned with prosecutors at the State Attorney's Office. Just carrying their briefcases to court got my blood pumping; I knew then that I would pursue a career in the courtroom, instead of the boardroom. And after watching a lone public defender stand up against the power of the state—delivering a mesmerizing closing argument for his unpopular client—I decided that I would “represent the people of the United States ... one at a time.” *Kaley v. U.S.* (2014) (Roberts, C.J., dissenting).

**AALM:** Tell us about an unusual incident in your career.

**Srebnick:** I spent the summer after my first year in law school working for criminal defense attorney William Cagney, a Georgetown graduate. His passion for the profession was contagious, and his disciplined preparation set the bar. When not in court, he was buried in appellate slip opinions, studying criminal procedure decisions so that he would be the most knowledgeable lawyer in the courtroom. Cagney was the first of several mentors who have shaped my career.

Cagney assigned me to draft an appellate brief challenging the government's restraint of a defendant's assets needed to retain counsel of choice—a legal issue that would resurface later in my career. Cagney filed a motion to have me deliver oral argument. When I stood at the lectern to begin my presentation, the chief judge suspended the argument to inquire who had authorized a law student to argue. Imag-

ine my anxiety. The Clerk's Office soon confirmed the court order, which had been signed by the chief judge himself. He (reluctantly) allowed me to proceed; I lost the appeal!

The adrenaline rush led me to decline an offer from a “Big Law” firm, where I had been clerking during my second year of law school so that I could clerk for a small outfit of criminal lawyers during my third year. How was I to know that an attorney for whom I was clerking at the “Big Law” firm would one day be appointed chief justice of the Supreme Court of the United States?

**AALM:** Any significant mentors or professors that encouraged you along the way?

**Srebnick:** Georgetown professors John Copacino and Steven Goldblatt and moot court coach Shan Wu taught me the fundamentals of trial and appellate advocacy. I have leaned on these mentors for more than 30 years, most recently when they mooted me for two arguments before the Supreme Court of the United States.

Federal Judges Edward Davis (S.D. Fla.) and Irving Goldberg (5th Cir.), gave me my start as a law clerk; they remained father figures until their passing. Judge Patrick Higginbotham (5th Cir.), whose chambers were next to Judge Goldberg's, has been a sounding board and advisor since my clerkship days.

Hon. Kathleen Williams, Hugo Rodriguez and Paul Rashkind were my supervisors when I was in the trenches as a public defender; they and my colleagues always had my back when



I battled with a zealous prosecutor or faced an intemperate judge.

And the incomparable Roy Black has been my mentor for 24 years. Beyond his raw intellect and gift for public speaking, what sets Roy apart is his work ethic. Every lawyer has the will to win, but not every lawyer has the will to prepare. No one in the courtroom is more prepared than Roy.

**AALM:** What do you find most rewarding about your practice?

**Srebnick:** I relish strategizing with colleagues. It started early in my career, when I reached out for help with my first appellate argument. Richard Strafer and Terrance Reed gave me their time. For the next 30 years, we collaborated on cases, while forging close friendships. Richard was my co-counsel in the Supreme Court; Terry wrote an amicus brief.

I have spent untold hours brainstorming with giants of the defense bar: Jay Hogan, Hy Shapiro, Jose Quinon, Hon. Robert Scola, Hon. Milton Hirsch, Walter Reynoso, Vincent Flynn, Richard Klugh and Oscar Rodriguez have been among the regulars at the lunch roundtable, (some on the basketball court, too) where we would discuss cutting-edge legal issues, celebrate the hard-earned victories and

commiserate over the unwelcomed defeats.

At the firm, I work with a dedicated group of true-believers: my partners Scott Kornspan, Jackie Perczek, Maria Neyra, Mark Shapiro, Jared Lopez, Joshua Shore, Rossana Arteaga-Gomez and Benjamin Waxman.

**AALM:** Which traits make an attorney exceptional?

**Srebnick:** The exceptional criminal defense attorney treats the case as though his own liberty is on the line and won't rest until he has turned every stone. One such lawyer, who is not just like—but literally is—a brother to me, lives by that credo. Scott, who started as the associate of one of our mentors, the legendary Albert Krieger, has been my wingman for many of the high-stakes cases. His encyclopedic knowledge of the law and creativity in thinking outside the box have made him a go-to lawyer when trying to untangle a complex legal issue.

**AALM:** What case most defined or redefined your practice?

**Srebnick:** Litigating the constitutionality of restraining assets needed to retain counsel of choice has spanned my entire career, dating back to my appellate argument as a law student and culminating in two appearances in the Supreme Court. Although I lost my first argument in the High Court 6-3, the chief justice penned an inspiring dissent: "An individual facing serious criminal charges

brought by the United States has little but the Constitution and his attorney standing between him and prison. He might readily give all he owns to defend himself. ... In my view, the Court's opinion pays insufficient respect to the importance of an independent bar as a check on prosecutorial abuse and government overreaching. Granting the Government the power to take away a defendant's chosen advocate strikes at the heart of that significant role. I would not do it, and so respectfully dissent." *Kaley v. U.S.* (2014) (Roberts, C.J., dissenting).

A 5-3 victory in my second effort evened the score. *Luis v. United States* (2016).

**AALM:** What is the one piece of advice you give to a student or young attorney?

**Srebnick:** My brother Scott and I have been teaching a law class at University of Miami for more than 20 years: *Situational Ethics in the Adversary System of Justice*. We stress adherence to the highest standards of professionalism and insist that students consider all sides of an argument. So that students can put themselves in the shoes of their adversary, the decision-maker and the client, we invite prosecutors, judges and former inmates to speak to the class. We strive to ensure our students will never need us to defend them against allegations of lawyer-misconduct. So far, we have achieved that goal.



■ HOWARD SREBNICK RIGHT WITH HIS BROTHER SCOTT SREBNICK.

## At a Glance

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### EDUCATION

Juris Doctor, Georgetown University  
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Bachelor of Arts in Economics,  
University of Pennsylvania, 1985

### PUBLIC SERVICE

National Association of Criminal  
Defense Lawyers, Lawyer's  
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University of Miami School of Law,  
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