

JUSTICE BUILDING BLOG

Dextera Domini & Orbis Non Sufficit

WELCOME TO THE OFFICIAL RICHARD E GERSTEIN JUSTICE BUILDING BLOG. THIS BLOG IS DEDICATED TO JUSTICE BUILDING RUMOR, HUMOR, AND A DISCUSSION ABOUT AND BETWEEN THE JUDGES, LAWYERS AND THE DEDICATED SUPPORT STAFF, CLERKS, COURT REPORTERS, AND CORRECTIONAL OFFICERS WHO LABOR IN THE WORLD OF MIAMI'S CRIMINAL JUSTICE. THIS BLOG HAS BEEN CALLED "THE DEFINITIVE BLOG ON MIAMI CRIMINAL LAW" BY THE NY TIMES, THE WASHINGTON POST, AND THE POPE. POST YOUR COMMENTS, OR SEND RUMPOLE A PRIVATE EMAIL AT HOWARDROARK21@GMAIL.COM

Tuesday, February 12, 2019

THE LION ROARS IN WINTER

It was standing room only in the courtroom of US district court judge (and former REGJB ASA and then state court judge) Bob Scola Tuesday morning as AUSA Elizabeth Young rose and addressed the jurors in *USA v. Philip Esformes*, who is charged with masterminding and orchestrating a billion dollar nursing home/medical fraud and bribery scheme.

But it wasn't Ms. Young that dozens of courthouse denizens had packed the courtroom to see. It was to see the lion in winter roar once more.

And so Roy Black, Esq., counsel for the defendant, walked to address the jury once more, exuding confidence, representing a client against a powerful opponent.

There was a swagger in his gait, his trademark bonhomie tempered with scorn for the government's case, each word carefully chosen based on decades of experience as to how they would fall upon the ears of the jurors. Each gesture planned and practiced, the cadence developed from a life time of studying the great orators of history, from General MacArthur to the great litigators of the last century like Lee Bailey and Edward Bennett Williams: "They have stacked their case with con artists, liars, fraudsters...(pause for effect) even drug

dealers..." the eyebrow raised, the eyes searching the jurors for the impact of the words.

This was the master plying his trade. da Vinci pausing before the blank canvas, art waiting to be created. The jurors and the facts, lumps of clay just waiting for the hands of Rodin to mold and sculpt to his will.

Eight grueling weeks of trial remain on the horizon. Scores of allegations about bribes and false diagnoses, a rogues gallery of cooperating witnesses, and reams of spreadsheets with billings, and profits and losses compiled by a government on the hunt. A defense attorney with his famous "files system" in which each witness, each charge, each issue, gets its own file, into which facts which he will need in the weeks ahead have been carefully stored. No electronic wizardry here. Old school defense at its finest.

Mr. Black is not alone in his defense. He leads a team of exceptionally talented lawyers, led by the master who humbly told the jury "we will try to expose all that we can."

What wonderful words to say to a jury in opening statement!

The implication that the government holds all the cards. The use of the word "expose" connoting the idea that the government has hid their dirty deeds and those of their witnesses.

Take an afternoon off. Go over to the federal courthouse and pay the exorbitant parking fees and watch how a lawyer defends his client. Observe how a lawyer who sees the chessboard a dozen moves in advance ply's his trade.

The lion roars in winter once more.