

Former Miami Beach Schoolmates, Now SCOTUS Lawyers, Reunite in Washington

By Celia Ampel | December 05, 2017



ATTORNEY ASHER PERLIN, U.S. DISTRICT JUDGE FEDERICO MORENO AND ATTORNEY HOWARD SREBNICK ON MONDAY, DEC. 4 AT THE U.S. SUPREME COURT.

When attorneys Asher Perlin and Howard Srebnick were elementary school classmates at the Rabbi Alexander S. Gross Hebrew Academy in Miami Beach, they never imagined they would both end up arguing before the U.S. Supreme Court.

“We had a lot of training in debating the Talmud — perhaps that foretold of a future as lawyers,” said Srebnick, a Miami partner at Black, Srebnick, Kornspan & Stumpf who has argued before the high court twice. “But the truth is, we just played football and basketball together. That’s all I can remember from those days.”

On Monday, Srebnick joined U.S. District Judge Federico Moreno — who oversaw the clerkship that started Perlin’s career — in Washington to support Perlin during his first appearance before

the U.S. Supreme Court. The pair sat together in seats provided by Chief Justice John Roberts, whom they've known for years.

Perlin represents U.S. victims of an Iran-sponsored terrorist attack in Jerusalem. He aimed to persuade the justices his clients should be able to collect a \$71.5 million judgment by attaching Persian artifacts on loan to the University of Chicago. He argued Iran's sovereign immunity does not protect the assets because of a commercial exception that applies to state sponsors of terror.

His argument followed the New Jersey gambling case argued by heavy-hitting lawyers, which could have been nerve-wracking, Moreno said, but Perlin was calm by the time he addressed the justices.

"Especially following luminaries like Ted Olson and Paul Clement, I was nervous and scared, and I didn't have to answer any questions!" Moreno said. "It shows you how prepared you have to be and how half an hour is just a huge amount of time to be peppered with questions."

Moreno, who felt like a "proud parent" watching his former clerk, said Perlin must have had some of Olson's leftover water because he withstood his grilling with grace.

"Anyone who can handle nine kids can handle nine justices, right?" the judge quipped.

Perlin said he was not caught off guard by Justice Stephen Breyer's question about whether a ruling in Perlin's favor would allow the seizure of diplomatic assets such as military property or Justice Ruth Bader Ginsburg's concern about the university's rights to the artifacts, or anything else.

"I was not surprised by any of the questions," Perlin said by email. "The moot courts really captured the range of questions and helped me refine responses."

He informed Breyer that Congress protects "quintessentially sovereign assets while making everything else subject to execution" and told Ginsburg the university had no interest in the property.

"It doesn't belong to them," he told Ginsburg. "It's not theirs. And whoever it belongs to can decide whether they're the best university to study it."

Perlin is a Florida Bar member with an office in Hollywood and has lived in Jerusalem with his family for two decades. He had lost touch with his former classmate Srebnick until preparation time for oral argument in *Jenny Rubin v. Islamic Republic of Iran*.

Srebnick served on a moot court panel that critiqued Perlin's argument last month, and the veteran advocate offered his boyhood friend resources and advice. He connected Perlin with his former Georgetown University Law Center professors who run the Supreme Court Institute, which then mooted Perlin before his big day.

“More than anything, I was able to orient him on the logistics of the courthouse,” Srebnick said. “I encouraged him to listen to as many oral arguments that are available online at the Supreme Court website so he could listen to how other advocates have presented their arguments and, more importantly, listen to how the justices frame questions.”

University of Chicago law professor David Strauss argued for the respondents, with Iran’s lawyer staying mum. The U.S. government sided with Iran and the university in the case.

Perlin said it was “very meaningful” that Moreno and Srebnick made the trip to Washington to see him.

“Since I clerked for him over 20 years ago, Judge Moreno has been a more than just a mentor to me,” Perlin said. “He’s like family. Howard Srebnick really stepped up and provided outstanding coaching on all aspects of the argument. Like Judge Moreno, his instincts and knowledge are outstanding.”