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Students Get First-Hand Litigation Exposure Watching Adjunct Professor Prep for U.S. Supreme Court Argument

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CREATED: TUESDAY, NOVEMBER 03, 2015



When Miami lawyer and Adjunct Professor Howard Srebnick stepped up to the podium on Thursday night in Miami Law's courtroom, four of Miami's finest attorneys took to the bench, along with a former Assistant to the Solicitor General, to serve as this moot court's U.S. Supreme Court panel.

Over the next 30 minutes, the adjunct professor delivered arguments on behalf of his client, Sila Luis, whose untainted assets have been restrained from her use to retain counsel of choice to defend her against charges of Medicare fraud. The moot court judges – premier national civil and criminal defense attorney Roy Black, JD '70; top-notch SCOTUS and Washington, D.C. attorney John Elwood; Appellate Chief, Federal Public Defender Paul Rashkind; nationally known criminal defense attorney Richard Klugh; and one of the National Law Journal's top 40 litigators under 40 David Markus – challenged his every point, from every angle.

Srebnick's argument, which he will make to the U.S. Supreme Court on November 10 in *Luis v. United States*, centered on his client's right to use funds that are free and clear of the taint of the alleged crime to pay for her counsel of choice. Srebnick argues that the freezing of his client's untainted assets prior to her criminal trial violates the 5th and 6th Amendments.

The oral argument was moderated by attorney and Miami Law alumna Susan Kornspan, Chair of the Alumni Advisory Board to the Charles C. Papy Moot Court Board, which sponsored the event. Kornspan was "very appreciative of the opportunity to teach excellent advocacy skills to the almost 100 law students in attendance by a demonstration from the masters, on both sides of the bench. And that these amazing attorneys made it extremely entertaining at the same time just speaks to their excellence in practice and commitment to legal education."



The moot court judges' questions tested a criminal defendant's right to counsel, but not necessarily the right to counsel of choice. This side was argued by criminal defense attorney Scott Srebnick, who for the evening served as the Solicitor General, and is also an adjunct at Miami Law. Scott Srebnick put forth the

government's argument that the defendant squandered much of her alleged ill-gotten gains by giving it to family and friends outside the country, and so the government should be allowed to secure any funds possible, prior to trial, to guarantee there would be funds for restitution to her victims should the defendant be convicted.

Joining the law students in attendance were administrators, faculty and local practitioners, as well as friends, family, and colleagues of the Srebnick brothers. At the conclusion of this event, Kornspan said, "Howard, on behalf of your Miami Law extended family, we wish you the best of luck on November 10."