

TOP PICKS

THE LAWYERS
LAWYERS
WOULD HIRE
IF THEY GOT
BUSTED



BY BENJAMIN HOWELL, JEANNA STEELE, AND JANET WEEKS
PHOTOGRAPHY BY MARK ESTES AND ROBERT LEVINS

YOU'VE JUST BEEN ARRESTED FOR A SERIOUS FELONY, AND YOU'RE AS INNOCENT AS A PRESCHOOLER. WHAT AN OUT-RAGE. WHAT A KAFKAESQUE NIGHTMARE. OY, WHAT A PROBLEM! WHO WOULD YOU HIRE? WHO WOULD YOU TRUST WITH SECURING YOUR LIFE, YOUR LIBERTY? WE CONTACTED MORE THAN 100 WELL-RESPECTED LAWYERS TO ASK THEM WHO THEY'D CHOOSE. MANY OF THE ATTORNEYS WE ASKED CHOSE THEIR OWN PARTNERS UNTIL THEY LEARNED THAT, IN THIS HYPOTHETICAL SCENARIO, NEITHER YOUR PARTNERS NOR A FAMILY MEMBER COULD REPRESENT YOU. SOME SAID THEIR CHOICE WOULD DEPEND ON THE CRIME AND WHERE IT WAS ALLEGEDLY COMMITTED. OTHERS SAID THEY WOULDN'T HIRE A CRIMINAL ATTORNEY AT ALL. "IF I WERE IN TROUBLE, I'D PICK THE VERY BEST LITIGATOR I COULD FIND," SAYS CRAIG JOHNSON, COFOUNDER OF VENTURE LAW GROUP IN PALO ALTO. "YOU'RE BETTER OFF WITH A LAWYER WHO HAS THE NECESSARY SKILLS TO SWAY A JURY AND HANDLE AN ALL-OUT BATTLE. THEN YOU AFFILIATE AN EXPERT IN THE SPECIFIC AREA. CASES ARE ALL ABOUT PERSUASION. LOOK AT JOHNNIE COCHRAN AND O. J. THE RIGHT ADVOCATE CAN MAKE A TREMENDOUS IMPACT DESPITE THE EVIDENCE."

OVERALL, THE LAWYERS WE INTERVIEWED BASED THEIR CHOICES ON EXPERTISE, EXPERIENCE, LOYALTY, AND A GOOD RELATIONSHIP WITH THE COURT. MANY OF THOSE INTERVIEWED ALSO MENTIONED COMFORT LEVEL—SOMEONE THEY COULD RELAX WITH AND TRUST. NOT SURPRISINGLY, OUR RESEARCH PRODUCED A PATTERN OF CIRCULAR REFERRALS: IN A JAM, ATTORNEYS WHO KNOW EACH OTHER WOULD CALL EACH OTHER. FOR EXAMPLE, JOHN L. BURRIS OF OAKLAND, WERE HE TO BE CHARGED, WOULD CALL "SOMEBODY WHO KNOWS ME WELL. SOMEONE WHO HAS A SENSE OF ME AS A PERSON AND THE KIND OF WORK I DO. SOMEONE WHO COULD ARTICULATE MY ESSENCE." TONY SERRA OF SAN FRANCISCO WAS MORE INTERESTED IN HIS ATTORNEY'S AGE AND PHILOSOPHY. "I WOULD PICK SOMEONE YOUNG WHO SHARES MY IDEOLOGICAL AND POLITICAL VIEWS, BECAUSE YOUTH IS MORE ALERT, MORE IDEALISTIC, AND MORE COMPELLING THAN ANY SO-CALLED SEASONED AND MATURE LAWYER," SAYS SERRA.

MICHAEL YAMAMOTO, OF JOHN LEE & MICHAEL YAMAMOTO IN LOS ANGELES, SUMMED UP THE OVERALL SENTIMENT THE BEST WHEN HE SAID, "I THINK WHAT WE DEFENSE ATTORNEYS ADMIRE IN OTHER LAWYERS—THE JOHNNIE COCHRANS AND LESLIE ABRAMSONS—IS ALWAYS THE SAME QUALITY. AS DAZZLING AS THEY ARE AS PRACTITIONERS, IT'S THEIR HUMAN SIDE, HOW MUCH THEY TRULY CARE ABOUT THE CASE, THAT CREATES THE GREAT RESULTS."

JOHN W. KEKER ■ SAN FRANCISCO

John W. Keker of Keker & Van Nest in San Francisco, who is nobody's fool, is so confident in his abilities that he'd represent himself. He has plenty of company: His name was mentioned more often than any other when our surveyed lawyers were asked who they'd turn to if faced with serious charges. "John embodies everything one looks for in a lawyer, whether criminal or civil," says Tower C. Snow, chair of Brobeck, Phleger & Harrison in San Francisco. "He's highly intelligent, creative, resourceful, tough, tenacious, a ruthless cross-examiner, and totally dedicated to the welfare of his clients."

After graduating from Yale Law School in 1970, Keker clerked for Supreme Court Chief Justice Earl Warren, spent several months as staff attorney for the Natural Resources Defense Counsel, and then moved to California to become an assistant federal public defender for the Northern District of California. Since entering private practice Keker has tried cases involving everything from patents to palimony. But he is perhaps best known for successfully defending Patrick Hallinan of Hallinan, Wine & Sabelli, a prominent San Francisco defense lawyer who was charged with conspiracy, racketeering, illegal possession of weapons, and drug smuggling. The indictment was based on allegations made by one of Hallinan's former clients, who fingered the attorney in a plea bargain. In 1995 Keker won Hallinan a full acquittal.

Keker also successfully defended attorney Doron Weinberg in 1994, when Weinberg and Penelope M. Cooper were accused of taking cash under the table to defend convicted Oakland drug lord Rudy Henderson. From 1987 to 1989 Keker worked the other side of the courtroom as chief prosecutor of Oliver North after the Iran-Contra scandal.

"I always say, 'Listen, if my telephone is busy and you are in a lot of trouble, call John Keker,'" says Patrick Hallinan. "He's a hard worker, prepares well, and has a fine office and support team. I always feel comfortable with him, which is very important. We try cases in virtually the same way. His cross-examinations sound just like mine. I've tried an awful lot of cases, and I really appreciate the difference between a good attorney and a great one. John Keker is one of the greats."

"I'D WANT TONY SERRA FOR THE FINAL ARGUMENT. BUT HE CAN'T WATCH THE TRIAL BECAUSE THAT WOULD LESSEN HIS EFFECTIVENESS. THAT WOULD CONSTRAIN HIM."

■
ROCKNE P. HARMON

Alameda County senior deputy district attorney



Who He'd Hire

"If I were charged in San Francisco, I might represent myself because I know a lot about trying cases here. Bob Wallach defended himself, and he did very well. There are times when it makes sense, but it also depends on how good you think you are. Barring representing myself, I couldn't name just one. I'd choose **Jim Brosnahan** of Morrison & Foerster in San Francisco, **Jim Collins** of San Francisco, **Doron Weinberg** of Weinberg & Wilder in San Francisco, sole practitioner **William L. Osterhoudt** of San Francisco, and **Patrick Hallinan**. You want someone who is good with a jury, hard working, well prepared, and smart—and somebody you could stand going through a tense time with."

Janet Weeks is an associate editor and Benjamin Howell and Jeanna Steele are assistant editors at CALIFORNIA LAWYER.

Mark Estes