

Defending the high profile case

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Richard G. Lubin, of Richard G. Lubin in West Palm Beach defended Dan Catalfumo, a prominent construction company owner who was charged with aggravated criminal assault on his live-in girlfriend.

He was charged with throwing Heather Hill, 33, into a picture frame with such force that she needed 53 stitches and five scalp staples to close her wounds. He faced a possible sentence of 15 years in prison if convicted.

Lubin's successful defense of Catalfumo was a textbook example of how to overcome a mountain of unfavorable advance publicity in a high-profile criminal case. The key, Lubin said, was to persuade the jury "that the facts are not necessarily what they appear to be."

To start, Lubin employed a professional jury consultant to help him pick jurors who would be receptive to that idea. He ultimately got a panel that was dominated by middle-aged women. Such jurors often are unsympathetic to alleged victims like Catalfumo's girlfriend, whom they may see as "kept women."

Lubin used investigators to dig up unfavorable information about prosecution witnesses, and chipped away at their stories with aggressive cross-examination. Lubin also took advantage of some apparent slip-ups in the prosecution's preparation and conduct of the case.

Before the trial, Catalfumo's public image was anything but sympathetic. News reports recounted numerous occasions when Catalfumo, a twice-divorced 49-year-old multimillionaire, had been accused of mistreating women.

Hill's injuries were undeniable. But Lubin presented medical experts to testify that Catalfumo, a large, stocky

man, had a shoulder injury that made it impossible for him to do what Hill claimed. He also presented evidence that Hill's use of alcohol and drugs lent credence to Catalfumo's story that she had injured herself in a drunken struggle.

A team of investigators hired by Lubin uncovered evidence casting doubt on Hill's character and on the credibility of another woman who claimed to have been a victim of Catalfumo's violence. Lubin painted both women as party girls who had willingly associated with Catalfumo for his money.

In the end, Lubin succeeded in turning the case into a he said, she said controversy — almost certain to produce reasonable doubt in the jurors' minds. After a 3 1/2-week trial last March, the jury deliberated for six hours before acquitting Catalfumo.

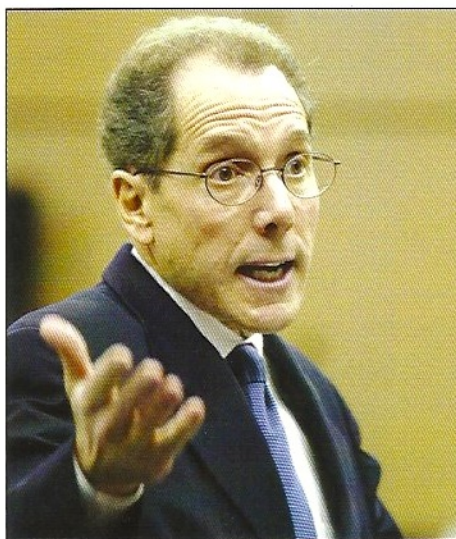
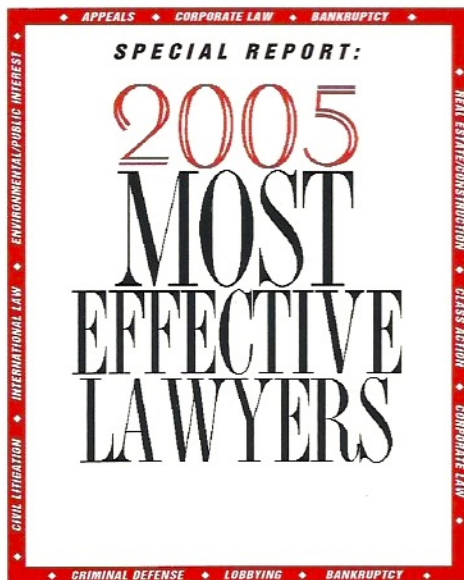
Lubin, 57, who has practiced criminal law in South Florida since his graduation from Georgetown University law school in 1974, notes that he had the "invaluable" assistance of a team of lawyers and other specialists.

Gary Dunkel of Greenberg Traurig, and Jason Weiss of Atterbury Goldberger Richards & Weiss in West Palm Beach served as co-counsel at trial. Lubin said there were many others working behind the scenes. "We all engaged in regular brainstorming all through the trial," he said.

Such an effort, of course, did not come cheap. Prominent defense attorney Roy Black estimated that the cost of Catalfumo's defense ran "well into seven figures."

The case, *State of Florida v. Daniel Salvatore Catalfumo*, was in Palm Beach Circuit Court.

— Dan Cordtz



Richard G. Lubin prevailed against advance publicity in representing a well-known builder.