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Love him, hate him — but call him if in a jam

Local attorney Richard Lubin has become a heavyweight among defense lawyers.

By John Pacenti

Palm Beach Post Staff Writer

Richard Lubin lay flat on his back in the courtroom, looking up at judge, prosecutor and defendant. The bantam-weight attorney with the heavyweight reputation had just asked a witness to demonstrate how a simple shove turned into a felony assault charge for his client — a prominent New York attorney.

Lubin was trying to prove the alleged victim was really the aggressor. The “victim” might have been going on 60, but he was a bodybuilder, a former wrestler and built like a fireplug. With a chance-of-a-lifetime gleam in his eye, he shoved Lubin in the chest.

Thump! The 5-foot-8, 165-pound Lubin went airborne, flying at least 10 feet across the courtroom.

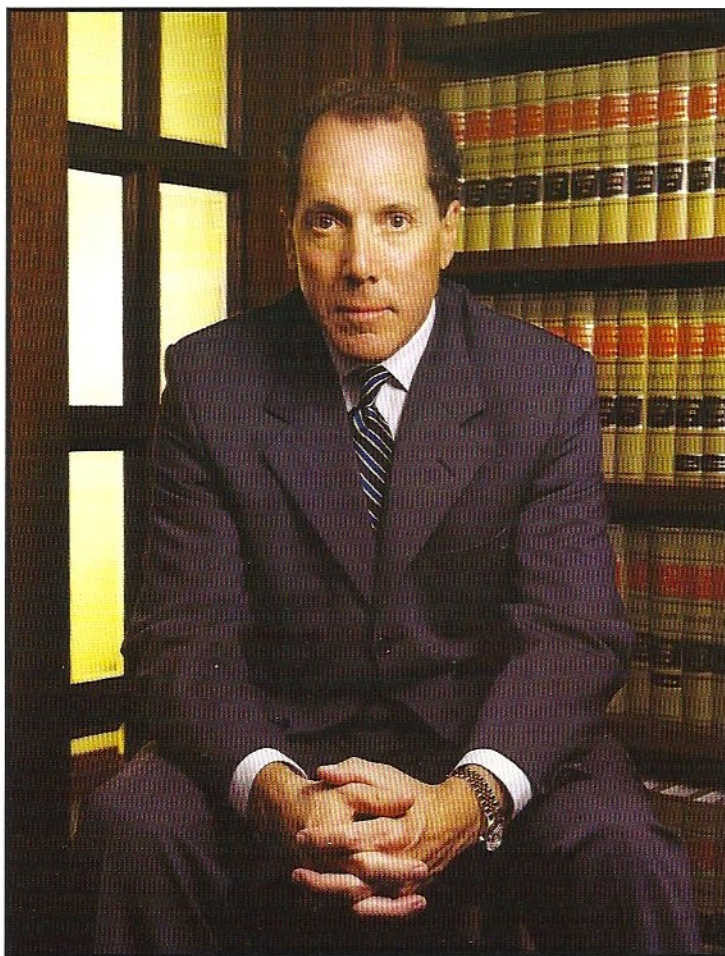
Shocked, the judge sprang from the bench to see if defense counsel had survived.

Sprawled out with his hands behind his back to break his fall, the 54-year-old Lubin's first thought had nothing to do with serious injury: “I just won this case.”

Indeed, with the victim seeming more like a bully than a victim, the judge acquitted Lubin's client.

Considering Lubin's track record, it hardly was unexpected. He is arguably the most successful criminal defense attorney in the county, a lawyer with a growing national reputation.

A Woodstock Nation refugee who sported an Abbie Hoffman Afro as Boston University's student body president, Lubin now is the man professionals flock to when the law comes knocking. Renowned trial lawyer F. Lee Bailey hired him to fight his contempt of court charge.



Lubin

Lubin once cut a swashbuckling, motorcycle-riding figure but now seems more at home in a designer suit. Once married to politician Lois Frankel, his college sweetheart, he now is raising his second family with Wife No. 3, Kathy Kazen Lubin, a public relations savant.

Lubin tamed his activist spirit and now shapes the county's judicial system through numerous panels he has headed. A generous *pro bono* attorney, he literally gives the suit off his back - usually Armani - to destitute defendants to wear for trial.

“He has a way,” said Michael Stepper, the New York lawyer acquitted when Lubin got floored by the witness from hell. “Just like Don Mattingly can hit a baseball, Richard Lubin has a natural talent.”

Rosemary Barkett, a former state Supreme Court justice now on the federal appeals bench in Miami, has no doubt about Lubin's talent: “God forbid, if I ever needed a criminal lawyer, he would be the one I go to because he is so thorough.”

Roy Black, the renowned Miami attorney, said Lubin didn't have to go into criminal defense work. He could have joined a wealthy big-name firm, rather than Richard Jorandby's Public Defender's Office. He could have grabbed the gold.

Instead Lubin chose to defend the poor.

“With his kind of talents, Richard could have been one of these tobacco lawyers, and he could be on his yacht right now instead of in court,” Black said.

These days, though, Lubin's high-profile clients seem to have a common thread — their wealth:

■ Dora Chong, mistress of a millionaire Palm Beacher, is charged with manslaughter after her 2-year-old drowned while Chong was shopping.

■ Robert Carratelli, the Boca Raton ad executive convicted of six counts of vehicular manslaughter for running a red light and killing six retirees.

■ Allen Blackthorne, a Texas millionaire convicted of hiring a hit man to kill his ex-wife, the mother of quadruplets.

■ Kevin Ingram, a Wall Street high-flyer caught up in an illegal arms sting to deal anti-aircraft missiles to terrorists.

■ Denis Deonarine, the Jupiter doctor charged with murder and running an OxyContin pill mill.

And these are just the recent ones.

But during 28 years of practice, he also has handled plenty of run-of-the-mill DUIs, penny-ante drug cases and white-collar federal defendants. "I don't want people to think I'm just an accused murderer's lawyer," he says.

Colleagues and friends talk repeatedly about how former defendants stop Lubin on the street, in restaurants or at the car wash to thank him for saving them from the slammer.

"I will never forget him," said Stepper, the client for whom Lubin got floored in court. "If I was convicted of those charges, I would have been disbarred. I would have been completely ruined."

But salvation doesn't come cheap. Lubin won't discuss his rates, but a person close to his firm says he commands "high six-figures" for a big case.

Some of his competitors envy the Lubin price tag. "When you get a million dollars for a case, you can do a hell of a lot for people," one local attorney said.

What's his secret?

Some attorneys say Lubin's forte is craftily selecting a sympathetic jury, others say it's his dramatic courtroom reenactments. He is also almost maniacal about pretrial preparation.

"We always try to understand cases better than anyone else. Better than police, better than prosecutors," Lubin said.

Not everyone is a Lubin fan. Police get frustrated with his knack for driving a wedge of technicalities through a small crack in a case. Families of crime victims shudder when his name is mentioned.

"He makes me want to puke. He is definitely immoral," said Cheree Block, whose son, Richard Stanley, was killed by an airplane mechanic represented by Lubin. "But then again, on the other hand, he is very good at what he does."

The airplane mechanic was Daniel Canellas, and his defense typifies the Lubin full-court press. He got Canellas' alleged confession suppressed and then put on a self-defense case that resulted in a jaw-dropping acquittal.

Nayla Canellas said nobody believed her son, Daniel, acted in self-defense when he shot two teenage hitchhikers. Except Lubin, who immediately expressed confidence that they would prevail.

"His words were that glimmer of life, that silver lining which for the first time, made us think that there was hope," said Nayla Canellas. "He gave us our life back. Our gratitude is eternal."

In a crucial courtroom reenactment, Lubin demonstrated how an injury to one of the victim's hands could have come from the slide of the handgun, not from a bullet. It was a scenario consistent with Canellas' story of self-defense during a struggle.

"He kind of draws the jury in, developing compassion for the client," said a Canellas juror. "The reenactment certainly had an effect when we were deliberating."

Then Lubin tied it together with a closing argument that still has the courthouse talking.

"He talked about Danny as if he were his own son," Nayla Canellas said. "Everybody was touched, all the jurors. Everyone was crying."

Cheree Block cried for a different reason. "People who have money hire Lubin, and they get away with murder," she said.

Met Frankel in college

Back in high school in the New York City borough of Brooklyn, Lubin was a musician, an expert player of the baritone, valve trombone and trumpet. "I was a brass man," he says.

But he turned down a marching-band scholarship to Boston University. He still went to BU, but played freshman soccer instead. Until his knees gave out. "I remember spending part of the summer sitting in the hospital with him," said his first wife, state Rep. Lois Frankel.

Back then, he sported the Afro hairstyle like his hero, Yippee troublemaker Abbie "Steal this Book" Hoffman.

He met Frankel at the Student Union where she was recruiting protesters for an anti-war demonstration.

"I thought it was beautiful," Frankel said of Lubin's hair. "When I look back on it now, I say, 'Oh, my God.'"

Lubin and Frankel went on to Georgetown University School of Law. Both were hired by Palm Beach Public Defender Richard Jorandby in 1974. The couple split about a decade later.

After two years as an assistant public defender, Lubin ventured out on his own in 1976.

Even then, the embers of activism still glowed brightly in Richard Lubin.

He helped organize protests aimed at both the death penalty and a speaking engagement of former President Richard Nixon.

His first real high-profile case gave no hint of the conquests to come. In fact, it resulted in the death of his client. Nollie Lee Martin was convicted and executed for



■ IN COLLEGE: As president of the student body at Boston University, Richard Lubin (seated, right) sported an Afro hairstyle similar to his hero, Abbie Hoffman.

Family photo

the 1977 murder of a 19-year-old in Delray Beach.

"I was very, very young and it was a very, very high-profile case and it was an enormous amount of pressure," Lubin said. "I fought very hard to save his life because I felt he was not sane."

He formed his own firm in 1980. His first partner, Nancy Hamill, died of cancer, and he still keeps her name on the letterhead. He joined

up with Joe Minberg and later Tom Gano, whom he hired out of law school and was his partner for 18 years before leaving on amicable terms.

Soon, the man who lost the ultimate struggle for Nollie Lee Martin became known for winning seemingly hopeless cases.

In 1991, he defended John Earley, a Delray Beach man accused of raping a 7-year-old girl and her baby sitter. Earley languished in jail for a year until his family scraped up enough money to hire Lubin.

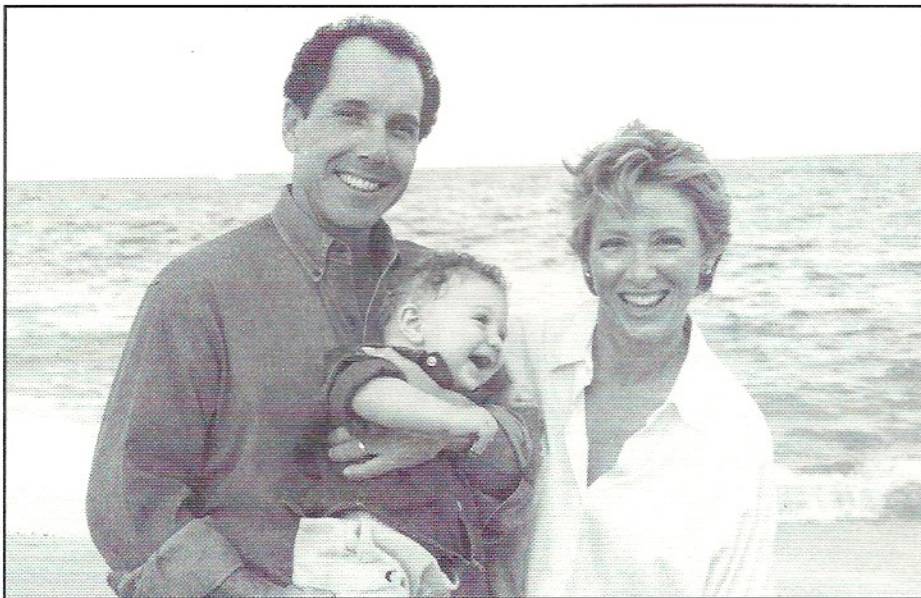
Some big Lubin cases

Dora Chong: Mistress of a prominent Palm Beacher, charged with manslaughter when her toddler drowned as she shopped on Worth Avenue. Awaiting trial.

Jennifer Cisowski: Mother accused of throwing her 8-month-old son to death in Martin County because voices in her head told her it would prove her faith in God. Awaiting trial.

Kevin Ingram: Former executive for Goldman, Sachs & Co., once considered one of the top black entrepreneurs in America. Pled guilty to money laundering and sentenced to 18 months.

James Clyde Baber III: The furniture store executive. Serving 10-year sentence for DUI manslaughter.



Family photo

■ HIS FAMILY: Lubin has tamed his activist spirit and is raising his second family with the help of his third wife, Kathy (above). Their son, Justin, is now 4.

In 31 days, working with private eye Patrick J. McKenna, Lubin found alibis and showed the Boca Raton police had botched the investigation and possibly tampered with evidence. Prosecutors abandoned the case in mid-trial.

"Earley was toast," McKenna said. "Rich Lubin kept an innocent man from serving life in prison."

Lubin's cross-examinations can be brutal. At the murder-for-hire trial of Dr. Timothy Toward in 1992, Lubin's incessant grilling of Daniel Bever, a professional government informant, became the stuff of courthouse legend.

Lubin and Gano brought in nearly 20 boxes of material to question the star witness.

Circuit Judge Mary Lupo granted an acquittal, lambasting the informant as a "pathological liar."

The 1980s were not without some bumps. Circuit Judge Marvin Mounts held Lubin in contempt in the first-degree murder trial of Michael Nelson, accused of killing his wife. Lubin had removed possible evidence - a spiral notebook - from a desk when he went to Nelson's residence to take possession of a computer for payment.

Nelson was convicted and fired his "lousy" lawyer before sentencing.

Lubin, in a court-appointed case, once tried to bill the county for plastic surgery to remove a boil from his client's face. The bill was denied, and his client, Horace "Ace" Williams, was found guilty.

Lubin tried to argue that Williams' steroid use made him temporarily insane. "I was a little ahead of my time on that case because (*Sports Illustrated*) came out with a story two years later on 'Roid Rage'," he said.

But in the early 1990s, Lubin hit his stride. He beat first-degree murder charges for Juno Beach resident Linda Cooney, accused of shooting her husband. He argued self-defense, saying Cooney's husband lunged at her with an 8-inch kitchen knife. He also convinced a federal judge to drop murder-for-hire charges against then millionaire James Vincent Sullivan, a part-time Palm Beach resident who allegedly wanted his wife killed on the morning of their divorce hearing.

Not everyone is impressed by Lubin's resume.

"Lucky guy," said one attorney who didn't want his name published. "He has been in the right place at the right time."

Some lawyers criticize Lubin for his constant self-promotion. "He's all about ego," another attorney said.

A year after his Cooney and Sullivan victories, he graced the cover of *Palm Beach Life* magazine, leaning against his sea-blue Harley Davidson, a white dove fluttering off one finger. In his landmark sienna office building on Flagler Drive - the one with the stilts - Lubin fidgets with nervous energy behind his partner's antique desk. This day there is no Italian suit. Lubin is in a denim shirt and khakis, and gum-soled shoes. He is open and affable until a subject comes up he doesn't want to discuss. Then he shuts up like an automatic car window. Now and then, Lubin grabs a golf club and holds himself back from doing his best Johnny Carson-like swing. Besides law, golf is Lubin's passion. He has about a 12 handicap.

A recent makeover

He's come a long way from the college student with the Afro and a penchant for protest. He lives in a three-bedroom house on the north end of Palm Beach after selling his two-story home on Flagler. He drives a black Mercedes S430.

He belongs to Bear Lakes Country Club - a "working man's club," he calls it. Ask his favorite wine and he smirks: "Woodbridge from Publix." Sometimes he has a Jack Daniels on the rocks - like the day he was floored in the courtroom.

Lubin's office is crammed with family photos: wife Kathy and their son Justin, a 4-year-old with an obsession for construction trucks. Lubin calls him "boo-boo head." There are also photos of 24-year-old son Benjamin as a Little Leaguer and as a Marine. Lubin, the former peacenik, is openly proud of his 2nd-lieutenant son.

After a very brief second marriage, Lubin wed Kathy Kazen about seven years ago. She ran her own public relations firm before giving it up to raise the couple's son.

They met at a party in 1993. She fell for him when he showed up at her residence in an Italian suit, picked up her ailing German shepherd and helped her take him to the vet.

There is no doubt she has influenced Lubin's public image.

In the 1990s, Lubin was a mustachioed, cigar-chomping, Harley-riding guy. These days, he looks more the Palm Beach sophisticate.

Linda Cooney: A Palm Beacher. Acquitted of shooting her husband.

James Vincent Sullivan: A millionaire accused of hiring a hit man to kill his wife in Atlanta on the morning their divorce case went to court. A federal judge granted a judgment of acquittal.

Clifford Davis: A preacher in Belle Glade accused of marrying migrants for immigration purposes. He was acquitted after Lubin argued to the jury that the law doesn't say that love is the only reason for a couple to marry.

Margaret Hallberg: A Fort Lauderdale housewife accused of murdering her husband, a Coast Guard attorney. Acquitted after Lubin argued that she was a battered wife.

"He kept just feeding him documents, impeaching him until he exploded on the witness stand," McKenna said. "Watching him on cross is like going to a baseball game and seeing a perfect game pitched."

"I told him, 'Rich people don't want a cowboy,'" Kathy Lubin said.

Lubin's hairdresser helped. "I'm the one who told him to take off that mustache because jurors would think he was cynical," said Peter Mangone, owner of Palm Beach Art & Hair.

To spend more time with his preschooler, Lubin has cut down on his criminal law lectures throughout the country. But he still moonlights as a television commentator - which detractors point to as evidence of more self-promotion.

And no, Lubin still doesn't always win. The year 2000 was marked by two devastating defeats.

The conviction of ad exec Robert Carratelli for running a red light and killing six Boca Raton retirees hit Lubin especially hard. He sat at the defense table with his head in his hands.

Lubin tried to prove Carratelli suffered a near blackout because of his severe diabetes. The victims' families scornfully called it the "zombie driver defense."

Lubin also lost the case of Allen Blackthorne, a Texas millionaire accused of hiring a hitman to kill his ex-wife in Sarasota.

The trial is the subject of the recent true-crime novel, *Every Breath You Take*, by bestselling author Ann Rule.

"I deeply care about my clients. I do not shrug it off and say, 'Oh well, next case.'" Lubin said.

The Carratellis and Blackthornes get more than a slick lawyer. They get Team Lubin, headed up by former prosecutor Kirk Volker and John Olea, another *Wunderkind* lawyer nabbed by Lubin right out of law school. In fact, the firm's name just changed to Lubin, Volker and Olea.

Behind them is paralegal Nicole Cotton, often found at Lubin's right hand, and La Jan Gartner, his secretary for 23 years.

And there is Kathy Kazen Lubin. He calls her the most intelligent person he has ever known. On big cases, she is his sounding board - and media adviser.

During trial, Lubin constantly huddles with his team. So much so that a prosecutor at a murder trial last year seethed, "Can't he do anything himself?"

At the office, impromptu brain-storming sessions occur anywhere — the bathroom, the coffee machine, the car. "It's akin to being a quarterback or general," Olea said. "He will go around the room and get everybody's input."

Lubin works as hard or harder than any-

one in the firm. It's not unusual for him to be up at 3 a.m. feverishly going over a case. After delivering the Canellas closing soliloquy, he was so spent he turned to Kathy and asked, "How did I do?" He couldn't remember.

"I find him to be an intense individual, but he always denies that," Kathy Lubin said. "Sometimes I just want to say, 'Can you turn off your brain for a minute?'"

During trial, Lubin's team is dressed as well as he is. They travel with Lubin in the lead, cutting a fashion statement through the courthouse - Quentin Tarantino meets *L.A. Law*.

Lubin is a fervent believer in using mock trials and focus groups to prepare for the real thing.

Joe Guastafarro, a jury consultant from Chicago who has worked with Lubin since 1988, puts Lubin among the top 15 criminal defense lawyers in the country in using focus groups.

With Lubin, defendants also get access to a vast network of contacts. He represented State Attorney Barry Krischer when the prosecutor was a private attorney fighting to keep confidential the identity of a client, a hit-and-run driver. Krischer said his prosecutors love to take Lubin on. "It's another notch on your belt if you beat him," he said.

Talk of bench seat

His former partners and associates say that despite what detractors think, Lubin cares about the downtrodden and will take a case for free.

Tony Natale, a former associate who worked dozens of cases with Lubin, recalls when Lubin came across an elderly blind lady wandering the courthouse. He brought her to the office in his Porsche and then got staff to buy her groceries.

"It was hysterical. Everyone had to drop everything and find out where this lady had to go to court," Natale said. She went back home to Belle Glade that day in a limousine.



■ COURTROOM REENACTMENTS: Lubin's demonstrations, such as this one during the trial of Daniel Canellas (front), helped swing a jury in his favor not only in the Canellas case, but in many other victories. At right is Lubin's partner, attorney John Olea.

GREG LOVETT/2001 staff file photo

The lingering activist aspect of his personality has made Lubin something of a community leader, heading up everything from the Legal Aid Society's board to the Judicial Nominating Committee to the Criminal Justice Commission. Some judges have said it is time for him to take the bench.

The county's "community court" that takes minor offenders out of the criminal system and finds them drug counseling and jobs owes its birth mostly to Lubin, said Diana Cunningham, the executive director for the Criminal Justice Commission.

Lubin even donates his suits for poor clients to wear for trial. Others have been snatched up by fellow litigator Gordon Richstone, who wears Lubin's old suits - he prefers Italian designers - for good luck.

So technically, Richstone could be appointed to a case in which both he and the defendant were wearing one of Lubin's old Armanis.

"Richard's the captain," said Richstone, who referred the Chong case to Lubin's firm. "He's an excellent lawyer, so why wouldn't I want to wear his suits? It's all good energy."

Lubin, Volker and Olea, P.A.
Second Floor, Flagler Plaza
1217 South Flagler Drive
West Palm Beach, FL 33401
Tel. (561) 655-2040
Fax (561) 655-2182
E-mail: defense@LubinLaw.com