Commitment drives Lubin in criminal defense cases

By CAROL WRIGHT

Criminal defense attorney Richard Lubin has three secret passions — his Harley-Davidson, golf and the New York Mets.

"I love golf and whenever I can I play with a regular group of guys. I love to drive my motorcycle around town, but I'm an insane New York Mets fan. The hardest thing is when spring training is here and I'm stuck in court."

Somehow it fits that Lubin's favorite team began as baseball's classic underdog because that is how he characterizes his work.

"I've always liked being the one fighting on the side of the underdog, and a criminal lawyer is always the one doing that," said Lubin, one of a handful of high-profile criminal defense attorneys in Palm Beach County. His name has become even more familiar around the island since he began representing James Sullivan and Linda Cooney. Lubin is defending Sullivan, former chairman of the Landmarks Preservation Commission, on firearms charges. Cooney is charged with murdering her ex-husband, James Cooney, whose family is from Palm Beach.

Lubin, 44, can't remember a time he didn't want to be a criminal defense attorney. "I never wanted to be a prosecutor, I was always interested just in criminal defense."

His commitment to his work shows when he talks about people in need of a lawyer. "No matter who you're representing, whether they are rich or poor, black or white, when somebody is accused of a crime, everything in their life changes," he said.

"People who you thought were your friends begin to shy away, the bank won't lend you any money, you lose your job or you can't get a job. I have always liked to be the one representing that person."

There's another reason for Lubin's commitment to criminal defense law — something he believes with all his heart, he says. "The mark of a reasonably free society is the way that society deals with its citizens accused of a crime.

"When we talk about individual freedoms, what we're really talking about is: Are you treated fairly? Are you innocent until proven guilty? Are you forced to prove your innocence? Do you have a right to a lawyer? Those kinds of rights, which are slowly being whittled away in our society, are the rights that keep a country free and I believe the criminal defense lawyer fights to preserve those rights."
It doesn’t matter that sometimes the person you’re defending could be guilty or is somebody the public doesn’t like, Lubin said. “It’s the right and the constitutional right that’s important there. Some of the most famous, most important landmark cases of the Supreme Court arose out of the public defender offices or a particular political scandal.”

For all the problems with media attention in big-name cases, Lubin would have loved to have tried on the William Kennedy Smith trial.

“I’m a criminal defense lawyer who knows the fight, that would be a great case to handle. Roy Black is a good friend of mine and it wouldn’t happen to a nicer guy that he got it and that he prevailed. I know he would. He’s an excellent lawyer. But sure, I would have liked to have had that case. Here was a case on television from gavel to gavel worldwide and who won it was in front of the world.”

Lubin doesn’t get annoyed over media attention to his cases because he said he is a big believer in the First Amendment. He is disappointed in the public that believes the press is the only way to do good work. “I believe in the public’s right to know, in a public trial. The alternative is a closed trial and who knows what could happen.”

But sometimes there are new reports that lawyers are unhappy because of the slant or inaccuracies, he said. One of the problems is that being accused of a crime automatically paints a person in a bad light.

“A citizen over here in Palm Beach could be wrongfully accused tomorrow. If he’s a prominent citizen in Palm Beach, and that story is written, then it’s the more fact of the accusation that makes a person look bad. It’s not like they’re writing about what charity work they’ve done. It’s that someone has accused him of committing a crime. So on a high-profile case managing that to some extent is a part of the defense.”

Lubin says because he won’t discuss any facts of a case that have not yet come out in court, “it’s not necessarily easy to help the reporters get an accurate image of everything.”

“It’s frustrating when a reporter misunderstands the gist of things that went on in the courtroom. It drives you nuts when you pick up the paper and you have just made what you thought was a great legal argument and they totally missed it,” he said. “I don’t want to criticize the press, but they wouldn’t throw somebody in there to cover a Miami Dolphins game who didn’t know football, and they shouldn’t throw somebody in there to cover the nuances of a money-laundering or a murder or a rape case who doesn’t understand something about what it is.”

Lubin says that he has left the courtroom, there is one thing he would enjoy doing. “I plan on doing some more teaching. I really like that, whether it’s just on a seminar basis or actually teaching at a law school. I really want to do more teaching.”