



American Board of Criminal Lawyers

THE ROUNDTABLE

HERE COMES THE JUDGE!

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"plus ça change..."

SEPTEMBER 2014



Wall Street Journal
Volume 1, No. 1

What's News

July 8, 1889

Business & Finance

President Harrison reiterated his opposition to bimetalism and said the U.S. will adhere solely to the gold standard, again disappointing advocates of silver. A2

■ The Sherman Antitrust Bill, almost a year after being reported back from a U.S. Senate committee, remains bogged down in Congress. A2

■ The Dow Jones 12-Stock Average closed on Saturday at 87.71, down 0.4% on the day but up 1.4% for the year-to-date. Total NYSE volume was light at 96,520 shares. C1

■ As the U.S. Treasury continues its massive program of bond buying, many investors fear the creation of a bond-market bubble. C1

■ The NYSE will use its new telegraph subsidiary to sell trading data to brokers willing to pay a fee for the ability to see prices before customers can. A1, C1

■ Andrew Carnegie called for an estate tax of at least 50% on millionaires, describing it as "the wisest" of all forms of taxation. B1

■ Commercial-paper dealer Lehman, Sachs & Co. may be taken over by the NYSE.



STEVE RUSHING

Counselor, that's not what we mean by attorney-client privilege!

World-Wide

■ Settlers are still streaming into the Oklahoma territory, nearly three months after the land rush began. A3

■ Socialists from 20 countries will convene next week in Paris for the Second International to debate how to combat capitalism. Friedrich Engels is unlikely to attend. A10

■ The death toll from the May 31 flood in Johnstown, Pa., will likely exceed 2,000, authorities say. Dam owners Carnegie, Henry Clay Frick and Andrew Mellon have not been charged. A1, A4

■ After its May bankruptcy, the consortium trying to build a canal across Panama has no restructuring plan. The better-funded Nicaragua Canal Co. has begun digging. A9

■ France is using its Exposition Universelle, with the base of the Eiffel Tower as its entrance arch, to showcase the nation's industrial prowess and competitive market economy. A9

■ German engineers Gottlieb Daimler and Wilhelm Maybach will debut their "steel-wheeled wagon," a gasoline-powered horseless vehicle, at the Paris exposition. B10

■ Several years after the Shanghai Stock Exchange peaked, investors are scaling back on expectations for returns in China. C8

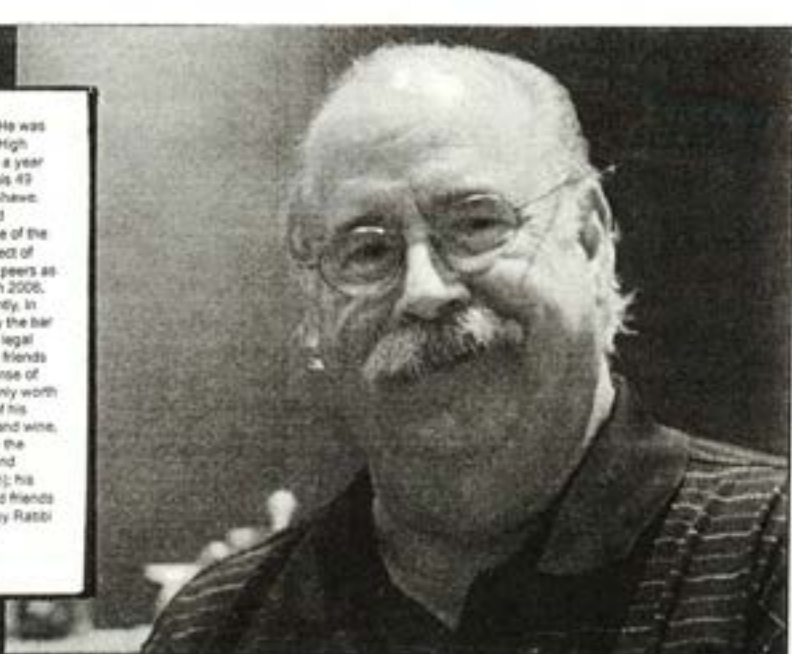
■ The Canadian movement to be annexed to the United States is gaining some adherents even after a defeat in Parliament. A10

Harvey Weitz



Harvey Weitz - SAVANNAH - Harvey Weitz - Aged 72 died August 15th, 2014 after a short illness. He was born in Savannah, GA on May 16th, 1942. He attended public school, graduating from Savannah High School in 1959 and the University of Georgia in 1963. He joined the State Bar of Georgia in 1965, a year before he earned his law degree from the University of Georgia School of Law. He spent most of his 49 years in law as a member and partner of what is now Weiner, Shearouse, Weitz, Greenberg and Shawe. During his time as a member of the bar, Harvey served on the boards of numerous committees and associations, including the Board of Governors for over twenty years, and the Executive Committee of the State Bar for 12 years. Many of the associations had to do with professionalism and ethics, a subject of great importance to him. He had been listed as one of The Best Lawyer's in America, voted by his peers at

a Georgia Super Lawyer on multiple occasions, and named by Georgia Trend Magazine as one of Georgia's Legal Elite. In 2006, he was awarded both the Chief Justice Thomas O. Marshall and Judge Frank Cheatham Professional Awards. Most recently, in June 2012, he was awarded the Distinguished Service Award by the State Bar of Georgia, the highest award bestowed by the bar for conspicuous service to the cause of jurisprudence and the advancement of the legal profession. Despite his very busy legal practice, Harvey always made time for his family and many friends. Often his lunches out were occupied by small talk with friends stopping by his table, or mentoring sessions with one of his fellow members of the bar. Harvey was known for his great sense of humor, and his endless collection of stories. He was a firm believer that if a story was worth telling once, then it was certainly worth repeating. He loved Athens, and the Georgia Bulldogs. He always claimed that it was pure coincidence that one or more of his Board of Governors meetings, held in Athens, coincided with a Georgia home football game. He had a great love of food and wine, and was known to his fellow Savannah attorneys as the Commodore as he always planned the lawyer's annual boat ride - the jewel of their social events. He was active in many local charities, and was a member of the Jewish Educational Alliance and Congregation B'nai B'rith synagogue. Harvey is survived by his wife, Helen; sons Trace, Adam (Rene), and Tommy (Allison); his brothers Julian (Jean) and Robert (Laurie); and numerous nieces and nephews. He will be greatly missed by his family and friends alike. The funeral service will be held at 2 o'clock Sunday afternoon at the graveside, Boneventure Cemetery, conducted by Rabbi Avigdor Status. Remembrances in Harvey's name may be made to the Jewish Educational Alliance, the B'nai B'rith Jacob Synagogue, or the Union Mission Grace House. Please share your thoughts about Harvey and his life at www.gamblerfuneralservice.com, Savannah Morning News August 17, 2014 Please sign our Obituary Guest Book at www.shear.com/obituary.



Harvey Weitz was an Outstanding Lawyer, a Community Leader and a Friend to All

Patrice M. Perkins-Hooker, Daily Report

August 19, 2014

A lawyer's lawyer. A professional of the highest standard. A respected leader in the community. A wonderful husband, father and citizen. The "Commodore" of the Savannah Bar Association's annual boat ride.

All of those terms have been used appropriately to describe N. Harvey Weitz of Savannah since his sudden passing last Friday. But of the many hats he wore, the one mentioned most frequently in recent days by those who knew Harvey best is, simply, "friend."

He was a friend to his hometown, Savannah-born and Savannah-raised. Harvey earned his law degree from his beloved University of Georgia and promptly returned home, spending most of his 49 years of law practice in the local firm now known as Weiner, Shearouse, Weitz, Greenberg & Shawe.

He was active in many local charitable organizations and was a member of the Jewish Educational Alliance and the Congregation B'nai B'rith synagogue. He also chaired the steering committee that led to the establishment of the Coastal Georgia office of the State Bar of Georgia in 2009, which is of tremendous benefit to bar members from Savannah and surrounding areas, and will continue to be for generations to come.

He was certainly a friend to the many clients he so ably represented over the past five decades. Speaking to the Savannah Morning News over the weekend, state bar Secretary Patrick T. O'Connor said, "Harvey was one of the finest lawyers to ever practice in the State of Georgia. He had a brilliant mind."

Attorney Weitz also had considerable expertise in many practice areas. He successfully litigated a wide variety of complex civil cases, including wrongful death, medical malpractice, trademark violations and business litigation, along with various white-collar criminal cases involving inter alia, federal antitrust, tax evasion, insurance and bank fraud.

As his longtime law partner Stephen F. Greenberg was quoted in the newspaper article: "He was an absolute craftsman. Everyone who dealt with him had tremendous respect for him... he was always willing to make time for anybody who needed it."

Chatham County State Court Senior Judge Ronald E. Ginsberg said, "He was a lawyer's lawyer and a judge's lawyer. He was a people's lawyer. He was all of those things."

Two years ago, the State Bar of Georgia honored Harvey with its Distinguished Service Award, the highest accolade it bestows on an individual. Then-State Bar President Kenneth L. Shigley said at the time, "Harvey Weitz has served with the utmost dedication, vigor and character throughout his exceptional career as a practitioner and leader of our bar. His exemplary career has in every way fulfilled both our duty as lawyers to help others and our high calling as stewards of the justice system."

According to Justice Carol W. Hunstein of the Supreme Court of Georgia, Weitz "set the standard for the professional lawyer. He did everything a professional, committed lawyer should do. He represented his clients well."

It is highly appropriate that Weitz also received the state bar's Chief Justice Thomas O. Marshall Professionalism Award and the Savannah Bar's Judge Frank Cheatham Professionalism Award.

Last but certainly not least, Harvey Weitz was a great friend to his fellow lawyers, the legal profession and the justice system in Georgia. He served on the State Bar of Georgia's board of governors for 20 years and on its executive committee for 12 years. He chaired the Chief Justice's Commission on Professionalism and the Commission on Continuing Lawyer Competency. He was also a faculty member of the Georgia Trial Skills Clinic, a trustee of the Lawyers Foundation of Georgia, a Fellow of the American Board of Criminal Lawyers and a frequent lecturer on numerous topics, including ethics and professionalism.

As stated in his family-placed obituary, Harvey had a great love for food and wine. He also had a great talent as a host for so many bar social events, including but not limited to his legendary service as the Commodore of the aforementioned Savannah boat rides. As Justice Hunstein said, "He knew all the great places to eat. I don't care what city we were in. With Harvey, you always ate at the best restaurant in town."

Those of us who knew Harvey so well are still in somewhat of a state of disbelief that our friend is gone. Over time, we will be comforted by countless memories to cherish and the knowledge that our lives are brighter and better because of our friendship with attorney Harvey Weitz.

And thanks to his amazing lifetime of service, so is the future of the legal profession in the state of Georgia.

Patrice M. Perkins-Hooker of Atlanta BeltLine Inc. is president of the State Bar of Georgia.

OTHER VIEWS

CORRUPTION TRIALS

When a jury finds no smoking gun

BY MICHAEL PUTNEY
mputney@phlg.com

Why can't political corruption prosecutors win convictions in South Florida? The U.S. Attorney's office is 0-2 in recent months, failing to win guilty verdicts against mayors Michael Pizzi of Miami Lakes and Julio Robaina of Hialeah. Two big fish in the political corruption pool who are now swimming free.

They weren't exactly proven innocent, but they were found not guilty. Will that happen again in coming months when two more indicted mayors — Lucie Ton-

drea of North Miami and Steve Bateman of Homestead — go on trial? Not-guilty verdicts could happen if juries, as in the previous cases, are reluctant to convict on anything less than smoking-gun, open-and-shut, slam-dunk proof of guilt.

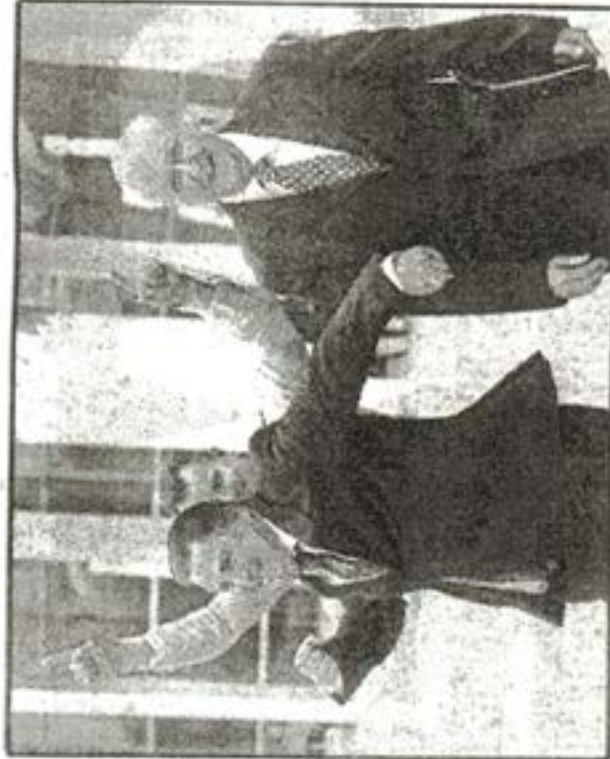
So what, we are compelled to ask, is the problem? "The problem is not in our stars," as Shakespeare so aptly put it, "but in ourselves." Specifically, the problem in large part is in our juries. God bless these citizens good and true who serve, but are they representative of the larger society? And why are those who do serve so hesitant to convict when the evidence is strong and

convincing, even if there's no smoking gun?

In the Robaina case, when the clerk-handed Judge Ursula Ungaro the note with their not-guilty verdict, her eyes widened and she scrunched up her face in disbelief before handing it back to be read aloud. Her expression told me (and others in the courtroom) that she felt the prosecution had met its burden and proved its case beyond a reasonable doubt.

From the time I spent in Ungaro's courtroom I thought so, too. Although to be positive in the Robaina case you'd need to be a forensic accountant. Nobody on the jury was. Thei Robainas' attorney, David Garvin (wife Raiza was also a defendant and cleverly also used Garvin), is an accountant as well as a lawyer, an expert in tax law who outgunned the prosecution.

Pizzi's defense attorneys, led by the redoubtable Ed Shohat, were also excellent. The prosecutors weren't chopped liver, but Shohat was able to consistently raise the specter of reasonable doubt. He had an excuse or explanation for every suspicious act, every sleazy meeting Pizzi took part in. Even the one where the FBI undercovers told Pizzi, after a lavish dinner at Smith & Wollensky, that they were crooks and their grant scheme was bogus. Pizzi told them he didn't need to be paid, but did he then say he wouldn't work with them



NOT GUILTY: An elated Michael Pizzi, front left, leaves the federal courthouse in Miami last week following his acquittal on corruption charges.

anymore? Did he drop a dime on what he knew to be a criminal enterprise? Nope.

"Pizzi knew this was a corrupt scheme," Assistant U.S. Attorney Ted Dwyer told the jury at closing argument. "He knew that the people sitting across from him were willing to pay him money. He knew from the beginning it was a pay-to-play deal." The jury evidently didn't buy it.

Nor did they find it strange that Pizzi huddled in a closet in his city attorney's office in Me-

ernment had presented enough evidence to convict.

And there's the rub. Juries in political corruption trials want a smoking gun, unequivocal proof of guilt. But that usually exists only on TV crime shows and silly movies. Sophisticated, corrupt politicians act through go-betweens and use a bagman to deliver the loot.

The government laid out a strong, but mostly circumstantial case against Pizzi. The FBI investigation wasn't glitch free. They rarely are. But in the end, Pizzi accepted \$6,750 from Sunshine Universal, at least \$6,500 of it in return for his promises to get the faux federal grants for Medley and Miami Lakes. Manny Marroño of Sweetwater accepted much more in the same scheme and was caught doing so on tape. He's currently doing three years in prison. But there was no trial — Marroño pled out.

I don't know the demographics of the juries that heard the Robaina and Pizzi cases. Perhaps there were some well-educated professional people among the housewives, unemployed and retirees who often make up juries. I do know that many professionals I personally know — doctors, dentists, CPAs, business executives — go to great lengths to avoid jury duty. That produces juries that are not one's peers. It also produces not-guilty verdicts against pols charged with corruption.

dley with Richard Candia, a friend and lobbyist who had been flipped by the FBI and was wearing a wire. He can be heard handing Pizzi \$3,000 in cash from the guys at Sunshine Universal, the phony grant-writing company, and Pizzi clearly says, "OK, you did good."

How could the jury ignore such an incriminating comment? In such an incriminating setting? A couple of jurors told the Herald that they were troubled by Pizzi's actions, but didn't think the gov-

FATRICK FARELL/MIAMI HERALD

Judge: Defendant in Zan case not guilty

Ruling stated "there was no evidence" against Ahmed Alanazi

By Stephen Herzog
SHERZOG@NEWS-LEADER.COM

One of two men accused of sexual assault and kidnapping from Zan nightclub has been found not guilty.

Judge Calvin Holden handed down the verdict Monday.

"The court finds there was no evidence of sexual intercourse between (the alleged victim)

and anyone else," Holden wrote in his ruling. "That neither (Ahmed Alanazi nor Rayan Alqabbaa) held (the woman) against her will in any physical way."

Alanazi, 27, was tried last month by Holden after Alanazi waived his right to a jury trial. At the completion of the trial, Holden took time to review hours of surveillance video from the night of the alleged



WAMPLER

her will, took her to an apartment and sexually assaulted her. Holden's ruling says the woman "does believe something did happen to her that night. However, the court finds (she) cannot reliably say what happened or who may have done

kidnapping.

The alleged victim testified in court last month that Alanazi and another man, Alqabbaa, 22, took her from the club on June 1, 2013, against

something to her."

Prosecuting Attorney Dan Patterson said his staff is disappointed in the verdict and that they "disagree with the court's interpretation of the facts."

He also said he was disappointed prosecutors did not have the opportunity to make a closing statement.

"The way it was left, the court would review the videos and the prosecution and defense would be notified of a date for closing arguments," Patterson said.

Instead, Holden reviewed the tape and handed down a ruling

without scheduling another court date.

Alanazi's attorney, **Dee Wampler**, only said it was a "difficult and complicated case and Ahmed Alanazi appreciates the court's decision."

During the trial Wampler questioned the alleged victim's changing testimony, but the woman maintained her memory was improving since the night police found her in an apartment on Elm Street.

The woman said she believes she was given a drugged drink

See VERDICT, Page 3A

Verdict

Continued from Page 1A

at Zan, and that contributed to her inability to remember what was happening or to effectively fight back against the men.

Wampler suggested the 100-pound woman was impaired because of the amount she had to drink that evening — about a dozen drinks over a roughly seven-hour period, according to testimony at the hearing — and because she was taking Percocet, which was prescribed to

her after giving birth through a Caesarean section a little more than two weeks prior.

The woman confirmed, after Wampler asked, that she was drinking against a doctor's orders.

The woman said she's still unsure about all the details of the evening but is more clearly remembering many of the key moments, including the alleged assault.

She struggled to hold back tears as she described that part of the evening.

Prosecutors say a cab driver, Brian Newman, picked up the three people and noticed the woman was nearly unconscious and said she wanted to go home to Nixa, but that the men wanted to go to a Springfield apartment. He said he saw one of the men "throw (the woman) over

his shoulder," drop her once, pick her back up and carry her inside.

He then called police to report what he'd seen.

Prosecutors said a responding officer searched the apartment, and was approached outside by Alanazi. The two went to an apartment where Alanazi knocked on the door.

Prosecutor Ida Shafait said the officer heard a woman moaning then asking for help, so the officer knocked on the door until it was opened. Alqabbaa and the woman were inside the room, the floor covered in vomit, Shafait said.

She said the woman was "pleading" to be taken home and that she told officers the two men "are bad men."

Wampler said surveillance video shows the woman going in and out of Zan, and at one point talking with several foreign students outside.

Wampler also said video shows the woman going into an apartment nearby Zan with several people and coming out 20 minutes later, mostly unable to walk.

He said Alqabbaa and another person carried the woman from the apartment, while Alanazi

walked behind them.

Alanazi was found not guilty of deviate sexual assault and kidnapping, both felonies.

Earlier this year, Alanazi and Alqabbaa each had a charge of forcible sodomy dropped.

Both have been free on bail since December, when the Kingdom of Saudi Arabia posted a combined \$2 million. \$1.8 million of that bond is to be re-funded to the Saudi Arabian consulate after Holden reduced each man's bond to \$100,000.

Alqabbaa's trial is scheduled for August, also in front of Holden.

Trial begins in Va. for ex-governor, wife

By Larry O'Dell
ASSOCIATED PRESS

RICHMOND, Va. — The corruption trial of former Virginia Gov. Bob McDonnell, once a rising star in the Republican Party, and his wife, Maureen, began Monday in federal court with jury selection.

The McDonnells are charged in a 14-count indictment with accepting more than \$165,000 in gifts and loans from the chief executive of a dietary supplements company in exchange for helping promote his products. Their trial is expected to last at least five weeks.



Bob McDonnell (center), former Virginia governor, arrives at the federal courthouse in Richmond with lawyer Henry W. Asbill to be tried on corruption charges. JOE MAHONEY / AP

Ten days after leaving office in January, McDonnell was indicted. Before the indictment, he apologized for what he described as bad judgment and said he repaid about \$120,000 in gifts and loans, but he denied breaking any laws. He and his lawyers have argued that prosecutors are trying to criminalize routine and

long-accepted political courtesies, such as hosting receptions and arranging meetings, that fall short of more tangible rewards historically associated with bribery.

Prosecutors have countered that the McDonnells' willingness to help former Star Scientific Inc. CEO Jonnie Williams on "an as-needed basis" and Williams' expectation of something in return, regardless of whether he received it, is enough to support a conviction. If the jury agrees, the McDonnells could face decades in prison. Williams is expected to testify under immunity as the prosecution's star witness.

THE BUTTERFLY EFFECT

By Peter Andrey Smith
Pascual Restrepo, a doctoral candidate at M.I.T., recently examined the cascading, collateral costs of the war on drugs. According to his research, between 2006 and 2012, police efforts in Colombia raised street-level prices for cocaine in the U.S., which, in turn, contributed to a 14 percent hike in drug-related homicides in Mexico — or about 8,000 deaths. "The war on drugs just brings more money to the drug trade," he says, "and more money means more problems."



"Oh, yeah, I forgot about the law of the jungle—not guilty."

Government Moves To Drop All Charges Against Dr. Sami Al-Arian

1, June 27, 2014 by jonathanturley



*(and somewhere, some-
bill Moffitt, has to
be enjoying this)*

The press has reported on the motion of the Justice Department to drop all charges against my client Dr. Sami Al-Arian. Obviously, we have been seeking this result for years in this case. However, as lead counsel, I'm limited in what I can say about the case before the dismissal of all charges. My office is receiving a great number of calls from the media, but I will continue to defer to the Court on the pending motion. Our pending motions on dismissal are a matter of public record on the docket in this case. Until a final order is issued, neither Dr. Al-Arian or myself will be making any further public comment. I will post a public statement if and when the order is signed to drop all charges against Dr. Al-Arian. Jonathan Turley.

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Future Meetings

October 10-12, 2014: San Francisco, CA

February 20-22, 2015: New Orleans, LA

June 5-7, 2015: LaJolla, CA

October 9-11, 2015: Sante Fe, NM

The RoundTable

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