

ATTORNEYS OF THE YEAR



The Art of the Turnaround

Engineering a turnaround on a tough matter is no easy feat, but several of *The Recorder's* Attorneys of the Year managed to turn the tide in their clients' favor, gaining victory where none would have predicted it — and in some cases, even when the attorneys themselves saw their odds as long.

Appellate specialist Martin Buchanan, for example, was convinced that years of lower-court rulings saying federal law pre-empted state statutes on claims involving faulty seat belts were wrong. "We didn't think our chances were great, but we thought it was worth a shot," he said. His stance was vindicated after he argued to the U.S. Supreme

Court that its earlier ruling on pre-emption, cited in lower court decisions lined up against his client, actually supported her. The justices agreed.

For Jennifer Keller, the odds were long and the learning curve steeper. The criminal defense attorney took over as lead trial counsel for MGA Entertainment just 12 days before its rematch against Mattel Inc. over who owned the hugely popular Bratz line of dolls. Mattel had already won a \$100 million copyright infringement suit and an injunction preventing MGA from selling any more Bratz products. By hitting Mattel with a corporate espionage counterclaim, Keller managed to swing the pendulum in favor of MGA

and win a \$309 million verdict — a \$400 million turnaround for her clients.

Perhaps the most controversial assignment among this year's honorees was the defense of a college baseball player accused of participating in the gang rape of a drunken teenage girl. Alison Crane and Jeffrey Nevin's brazen, head-on strategy — essentially casting the girl as the sexual aggressor — may have further inflamed public opinion. But the jury returned a complete defense verdict.

Like them or hate them, these were some of the year's major verdicts, and winning them took some outstanding lawyering.

Randy Sue Pollock

Law Offices of Randy Sue Pollock

In a profession where fiercely advocating for a client often means dominating the courtroom, standing down can be a hard thing to do.

But a less-is-more approach is what Oakland solo practitioner Randy Sue Pollock employed in defending a young man she calls merely a “wannabe” who was swept up in a major racketeering prosecution of MS-13 gang members. Over the course of a five-month jury trial in a San Francisco federal courtroom that featured seven defendants, more than 150 witnesses and 400 exhibits, Pollock largely sat quietly while the other lawyers in the room duked it out.

It paid off. Her client, Walter Cruz-Zavala, was the only defendant acquitted of all counts, which threatened to send him away for the rest of his life.

“Winning a RICO trial is very rare,” said Pollock, who was appointed counsel for Cruz-Zavala in *U.S. v. Cerna*. “It just doesn’t happen” for the defense.

It helped that prosecutors put on relatively little evidence against Pollock’s client compared to the mountains of evidence directed at the other defendants, all of whom are now serving life terms. But it also took restraint and a close adherence to her plan, Pollock said. “Some lawyers will get up and say to a witness, ‘You don’t know Walter Cruz-Zavala.’ But that isn’t what I wanted to do. Why mention his name? I was trying to not mention his name.”

That didn’t sit well with Cruz-Zavala at the start of the trial, when the other defense attorneys combatting murder, thieving and drug accusations took hours upon hours arguing both before judge and jury.

“My client tried to fire me after a month,” Pollock says. “He said, ‘You’re not doing anything.’” But San Francisco U.S. District Judge William Alsup “got it” and didn’t remove her, she said.

In fact, after the verdicts were delivered, Alsup offered an exaltation of Pollock. In a rare public review of a lawyer’s performance by a federal judge, Alsup told *The Recorder* she exemplified what he called the “Abe Lincoln” approach. “She had a very clear-cut agenda to zero in on one or two key issues,” Alsup said in an interview a few weeks following the August 2011 verdict. “She did that very effectively, and at the end of the day, the jury gave her a complete acquittal of her client.”



HILLARY MIXON-JONES

California Attorneys for Criminal Justice
AND
Northern California Trial Attorneys
CONGRATULATE



RANDY SUE POLLOCK

ONE OF RECORDER'S
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At 62, and with a career dedicated almost exclusively to criminal defense, Pollock has heard “not guilty” before in both state and federal courts. But this one was different, she said, in part because of the case’s prominence with the Bay Area criminal bar. The verdicts were read in a courtroom packed with peers and prosecutors, including U.S. Attorney Melinda Haag and her top brass. Plus, it was a grueling trial with Alsup’s notoriously early mornings, short breaks and high expectations, not to mention the hard-charging assistant U.S. attorneys, Wai Shun “Wilson” Leung and William Frentzen, whom she was up against.

“It was a case of a lifetime,” Pollock says.

—Ginny LaRoe