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Boston Atty Not Slowing Down After NACDL Lifetime Award

By **Chris Villani**

Law360 (August 26, 2022, 6:00 PM EDT) -- Nearly half a century has passed since Martin Weinberg argued a landmark case before the U.S. Supreme Court, and his practice remains busier than ever.

The 76-year-old lawyer isn't resting on his laurels after recently being given the National Association of Criminal Defense Lawyers' Lifetime Achievement Award. He has four trials coming up, several clients who are the target of grand jury investigations, and a First Circuit appeal for a man convicted in Puerto Rico federal court.

"I work as hard now as I did when I was 30, and I do it because it's a passion," Weinberg said. "I am totally engaged with maintaining my knowledge of criminal law, which is dynamic. There is no other field of law where there is as much change as criminal law."



Martin Weinberg

He added, "I carry the same caseload I have carried for the past 30 years."

The list of past winners of the NACDL honor includes Bryan Stevenson, the founder of the Equal Justice Initiative and one of the nation's foremost death penalty attorneys; BigLaw lawyers like Paul Weiss partner Ted Wells; and Samuel Dash, the chief counsel for the Senate Watergate Committee during the Watergate scandal.

"Marty is a lawyer's lawyer — an unparalleled legal technician with a philosopher's vision," former NACDL President Martin Sabelli said in a statement. "Marty sees the nuances in the shadows in the edges of the furthest reaches of the law and brings it all back to first principles and fundamental values."

Weinberg, who oversees a relatively small team at his own Boston firm, Martin G. Weinberg Law, said he was "deeply honored" by the recognition, citing the NACDL's mission to aid the work being done by defense lawyers across the country.

"Who else but they are trying to broaden constitutional rights?" Weinberg said. "Who else but defense lawyers are trying to expand the suppression remedy to new technology and computers and email warrants that have become an everyday phenomenon in white collar criminal cases?"

Weinberg is well-versed in the accordion of criminal constitutional rights. He came of age during the 1960s when a series of high court rulings broadening protections of the accused came down and through the years each became known by a single word: Miranda, Mapp, Gideon.

Weinberg started practicing in the '70s, and in 1977 argued before the Supreme Court in [U.S. v. Chadwick](#). Later that year, the court sided with Weinberg and held that police cannot conduct a warrantless search of locked luggage inside a car.

He said things took a turn in the 1980s, as mandatory minimums began taking power away from judges and giving it to Congress. But the pendulum is swinging back in the other direction in

recent years, he said.

"I am happy to be practicing law in an era where judges have discretion and where defense lawyers can effectuate their client's right to trial without fear — at least in the District of Massachusetts — that their clients will be exposed to some draconian penalty," he said.

Primarily a white collar defense attorney these days, Weinberg cut his teeth trying murder and robbery cases with his first partner, Joe Oteri, who became the first lawyer in the country to seek to decriminalize marijuana. His clients through the years have run the gamut.

"Some of them have been actually innocent, some of them have been legally innocent," Weinberg said. "And some of them have been facing the threat of very significant punishment if they were not acquitted by juries in the courtroom."

Nowadays, Weinberg mostly represents "lawyers, doctors, businessmen, people involved with allegations of political corruption, tax issues and securities issues," he said. "I have gone the breadth of criminal law, from my start with state court murder cases, to drugs, and ended up as largely a white collar lawyer."

In 1997, Weinberg worked alongside legendary defense lawyer Albert Krieger and successfully defended a lawyer accused of aiding the infamous Cali Cartel. Also at the defense table for the multidefendant trial were Scott and Howard Srebnick, who said in a statement announcing Weinberg's lifetime achievement award that they were "in awe" as they watched the duo in action 25 years ago.

"What we saw in Marty and Albert, they saw in each other: Marty looked up to Albert as the elder statesman, one of the most celebrated trial lawyers of the century. Meanwhile, Albert looked to Marty for all things legal," the Srebnicks said. "Albert told us that there was no lawyer in this great nation's criminal defense bar with a greater command of the criminal law than Marty. That still holds true."

Weinberg has literally been a lawyer's lawyer, as past NACDL president Sabelli put it, and not just in the Cali Cartel trial. He has served as co-chair of NACDL's lawyer assistance strike force, which aids attorneys who risk contempt, disqualification, or being subpoenaed for privileged information.

"If a lawyer is acting ethically and with principle, we try to stand with the members nationwide," Weinberg said. "We can defend members when they are threatened with contempt and often try to defuse situations before they get ignited."

Sabelli said the NACDL, which boasts more than 10,000 members nationwide, is indebted to Weinberg for his work anchoring the strike force.

"Marty always answers the call for help from our members, usually within minutes — which gives our challenged members a sense of calm and peace," Sabelli said.

Even as he nears his ninth decade, Weinberg said he is not even thinking about retirement and estimated that he has at least another 10 years left in his professional career. He still runs two miles a day through the hills of Newton and said that as long as he can do that, he will keep taking on new cases.

"When I take cases, my intention is to bring creative motions and try to win the case," he said.

Weinberg represented multiple defendants in the "Varsity Blues" college admissions case. He is also representing a lawyer accused of trying to bribe a police chief to influence the approval of a pot shop in which the lawyer had a financial stake. And he is working to undo the conviction of an architect who was cleared of a bribery conspiracy charge at trial, but found guilty of specific bribes.

Weinberg said he remains fascinated with criminal law.

"I don't dread going to court, I don't dread reading the new cases," he said. "I take it as a challenge, and it's as engaging to me as anything else I can consider doing, other than being a great father and a great family man."

--Editing by Marygrace Anderson.

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