

A NIGHTMARE FOR DEFENSE ATTORNEYS

By [William Booth](#)

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old federal courthouse here was overflowing with lawyers today, but it was impossible to know at a glance just who was representing whom.

For three of the pinstriped and coiffed lawyers, including two former federal prosecutors, were themselves defendants -- charged as co-conspirators in one of the federal government's widest indictments against the notorious Cali cocaine cartel of Colombia.

It was a defense attorney's worst nightmare, a sort of Greek tragedy, Miami style. Could there be any clearer evidence that the freewheeling 1980s -- the decade of cash payments stuffed in suitcases, the decade in which many of Miami's best attorneys got rich defending some of the world's most loathed defendants -- were really, finally, over? Instead of representing the drug traffickers upon whom they have built their careers and fortunes, three of Miami's "white powder bar" found themselves standing before U.S. Magistrate Ted Barnstra, signing \$500,000 personal bonds endorsed by their wives and mothers, and agreeing not to travel outside the United States. They had already turned in their passports.

One by one, the three defendants squeezed into the hearing room, where they officially "surrendered" and where their bonds were set. An arraignment to enter pleas is scheduled for June 21. All have said, through their attorneys, that they would plead not guilty.

First through the door was Michael Abbell, a Harvard-educated former Justice Department lawyer who once headed the

department's Office of International Affairs in Washington. He was represented in court by Roy Black, another of the city's big criminal defense lawyers, who has defended many a drug dealer but who gained national attention by beating the rape charge against William Kennedy Smith.

Abbell and the other indicted lawyers came and left without a word to reporters and said barely a word to the court. Instead, their defense attorneys did all the talking.

"These are horrible charges," said Martin Weinberg, lawyer for defendant William Moran, who appeared at court in gray herringbone suit and black cowboy boots, his wife -- in a cowboy hat -- by his side.

Moran and the other charged attorneys, Weinberg said, were unfairly singled out because of their completely legitimate work for the Cali cartel and its associates.

"They haven't charged them with anything but representing their clients," Weinberg said. But because their clients were "the most loathed in the world," the lawyers were being dragged into court charged "with crimes of their clients." Black said U.S. attorneys told the court their case would take at least 180 days to try -- a monster with 59 co-defendants, most of them Colombians and their alleged helpers, bagmen and hitmen. All the attorneys charged will ask to be tried separately.

It would be expensive for the defendants, Black said, maybe even too expensive. "It is an irony is that these criminal defense lawyers might not be able to afford their own defense," he said. When a reporter asked if the Cali cartel would foot the bill, as it allegedly has for its past associates, Black smiled and asked, "Whose side are you on?" But he replied, "No, absolutely no possibility of that occurring."

The case has rocked the Miami legal establishment. Many of the city's best criminal attorneys, and some of its most mediocre, spent the booming '80s defending drug smugglers and dealers. In watering holes and conference rooms, many lawyers are wondering whether the indictments against their colleagues are just -- whether they did indeed cross the line -- or whether the government is now going after legitimate attorneys who were not part of the "enterprise," but were engaged in legally protecting their client's interests.

Either way, the case is dripping with symbolism. At the hearing today, the charged attorneys were processed first. But sitting nearby were another dozen of the indicted -- not for this case, but for others -- almost all charged with cocaine distribution or smuggling.

More symbolism, too, in the choice of judge. U.S. District Judge William M. Hoeveler, who presided over the trial of former Panamanian president Manuel Antonio Noriega, is scheduled to hear the case. All three of the charged attorneys have appeared before Hoeveler -- often in leading roles -- as defense attorneys.

Abbell, Moran and the third indicted, Donald Ferguson, are charged with making payments to arrested Cali members to assure their silence; knowingly securing false statements; transmitting known drug profits; and generally protecting Cali boss Miguel Rodriguez Orejuela. They could face life sentences if convicted.

CAPTION: Michael Abbell, right, former Justice Department official, trails his defense team at U.S. District Court in Miami.



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