

## ORAL HISTORY OF WILLIAM R. “BILLY” MARTIN

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Carl Stern, and the interviewee is William R. “Billy” Martin. The interview took place at the office of Martin & Gitner, 2121 K Street N.W., Washington, D.C. on Wednesday, January 14, 2015. This is the first interview.

MR. STERN: Let me ask first, you are regarded as a celebrity lawyer. Of course, you’re also a highly rated lawyer. I think it was *Washingtonian* magazine rated you in the top five lawyers in Washington, D.C. And this town, with that many lawyers, that’s a very high ranking certainly. What is a celebrity lawyer?

MR. MARTIN: You know, I’ve always been amazed by that title myself, and Carl, I think that I got the title “celebrity lawyer” because I was fortunate to have so many clients who were in fact true celebrities, and people started to recognize me as the lawyer to the stars. So because I did a good job for those celebrities, I was given the title, “celebrity lawyer.”

MR. STERN: Well who are some of those celebrities?

MR. MARTIN: I’ll start with some that I’ve really enjoyed working with. I had the opportunity to represent Michael Jackson’s mother following Michael’s death, and we went out to Los Angeles and were retained to assist the Jackson family in trying to recapture some of the assets that Michael’s family believed were wrongly taken from him. So we had the family of Michael Jackson. I represent Wesley Snipes, the movie star, actor. I had a chance, although not representing him, to meet with him, discuss legal issues with Denzel Washington. Oprah Winfrey is somebody that I know and is someone I reach out to from time to time on PR matters. We’ll start with

some of those as the actors/Hollywood types. And the athletes, I've represented several.

MR. STERN: Those are civil matters?

MR. MARTIN: Yes. Those are civil matters.

MR. STERN: You also, needless to say, provide criminal representation.

MR. MARTIN: Yes. In time, I would say that I actually believe I started getting the reputation and name of a highly competent celebrity lawyer even in my days as a young prosecutor. In my early days in the Justice Department, I was assigned to the Organized Crime Strike Force, the Mafia Strike Force, and I was assigned to prosecute, investigate at the grand jury level and prosecute members of what was left of Al Capone's family in Chicago. So I had the opportunity to do Cleveland, Pittsburgh, San Francisco, Chicago in organized crime matters. So even back with the Justice Department, I was always given the big cases.

MR. STERN: You also were involved in your private practice in the matter of Jason Williams?

MR. MARTIN: At the time, Jason Williams was probably one of the National Basketball Association's all-time rebounders. He was one of the highest paid basketball players of his time. I believe his last contract was negotiated for between \$75 million and \$100 million. He served out that contract. I think he broke his ankle and continued to be paid for that contract, and while he was still being paid, he was also a TV commentator for sports. Jason, unfortunately, mishandled a shotgun and killed a driver of a limousine that he was renting.

We went to trial in New Jersey, and Jason was charged. I'm going from memory, but I think he had a second-degree murder and a manslaughter charge.

MR. STERN: This was a jury trial?

MR. MARTIN: This was a jury trial. We were able to win acquittal on all the most serious charges, and the jury hung on the manslaughter charge. That one was interesting because it was televised.

MR. STERN: He's not the only basketball player you've represented. Allen Iverson?

MR. MARTIN: Allen Iverson was one of my first. Not the first, but one of the first professional athletes. Right after – when I say right after – leaving the U.S. Attorneys Office in 1990, my then-law firm, a Pittsburgh-based law firm, represented the Pittsburgh Pirates, Pittsburgh Steelers, and the Pittsburgh Penguins. One of the hockey players got into an on-ice situation here in the D.C. area, and they were threatening to arrest him, and I was given the task of trying to either forestall the charges or clear him of any allegations, and we were able to do both.

MR. STERN: What was the nature of that case?

MR. MARTIN: That was a case where the hockey player threw a bottle, allegedly threw a bottle, from the players' box at a fan. The fan that he was throwing at ducked, and the water bottle hit a well-known lawyer in the D.C. area in the face, and the lawyer was trying to go after the hockey player.

MR. STERN: The Monica Lewinsky case, tell us about that.

MR. MARTIN: The Monica Lewinsky case is probably the biggest case that I have ever been involved in. I had been vacationing in the Caribbean and was not keeping up with the news, and I did not know anything about her detention at the hotel in Virginia, did not know anything about her mother or any of the issues.

MR. STERN: By the Independent Counsel, she was not under arrest by authorities?

MR. MARTIN: She was detained by the FBI at the hotel for questioning.

MR. STERN: The special prosecutor I guess. What was he called at that point?

MR. MARTIN: It was an investigation by FBI agents on behalf of the special prosecutor.

MR. STERN: And Ken Starr was the Special Prosecutor?

MR. MARTIN: Ken Starr was the Special Prosecutor.

MR. STERN: The Independent Counsel law had expired by then.

MR. MARTIN: He was called the Special Prosecutor. So I flew back to Washington, and I got a call from a friend of mine, a lawyer named Nate Speight, a lawyer here in Washington, who had been retained by Monica's father to represent Monica. He asked me, he said that the mother, Marsha Lewis, had received a subpoena and she needed counsel and would I be interested in joining up with him, and at the time, Bill Ginsburg, the lawyer from L.A., to represent Monica's mother, and I was brought on to do that.

MR. STERN: You were responsible for bringing Jake Stein and Plato Cacheris into the case? Tell us about that.

MR. MARTIN: Jake is somebody who we call lions of the bar and legends of the bar. Jake and Plato are personal friends, and I had cases with both of them, and on ethical issues, Jake Stein is somebody that I have on my rolodex instant dial.

So over the years I've called, if I have a client issue, if I need an opinion on the bar rules or ethical implications of certain conduct, Jake is my first call. So over the years, I've called Jake on numerous occasions, and we refer clients back and forth to each other. I've tried cases with Plato, and they're both very good lawyers. Following Bill Ginsburg's three appearances, remember he had a record at the time for doing all three morning Sunday TV shows, all the networks.

MR. STERN: They call it the Full Ginsburg, right?

MR. MARTIN: They call it the Full Ginsburg [laughter]. So after doing that and the family became concerned, they asked me, and actually I was able to convince the Special Prosecutor and his staff to not take Marsha, the mother, into a grand jury. I was able to convince them that if they wanted to do an interview, we'd come to their office, they'd come to our office. We thought the gag rule and just the horde of press at the grand jury at the U.S. Courthouse would cause issues that we'd like to avoid, so they agreed to do an interview.

MR. STERN: The trauma to Mrs. Lewinsky?

MR. MARTIN: I think you remember when she came out of the grand jury from her first appearance, she essentially fainted, and she was taken and put under doctor's care for the trauma that she was under for what was happening to her daughter. So we agreed to have the interview outside of the grand jury room, and I think that Monica's mother saw that I was able to communicate effectively with Ken Starr – I know Ken – and his staff. She asked me, "If you can do that for me, why can't they do that for my daughter?" And I

remember saying to her I think we have the wrong lawyers and maybe we should get some additional lawyers on board. So she asked me to give her some recommendations. We gave her a list of probably ten lawyers. We then, with her, Monica, and her mother's participation, interviewed probably ten of the top criminal lawyers here in Washington. And from that, Jake and Plato were selected.

MR. STERN: Now this is not exactly high courtroom drama as you see on television, but it is very much part of a lawyer's craft, right?

MR. MARTIN: Sure. Yes it is. And part of the thinking was that we needed somebody who was well-known and respected in Washington, somebody who was respected by Ken Starr, somebody who could call Ken Starr and Ken Starr would answer the phone, and somebody who would have credibility as we tried to figure out exactly what they were trying to obtain from Monica and her mother and see if we could resolve, negotiate, in our client's favor a way of doing that. And Plato and Jake and I were able to put together a team that did just that.

MR. STERN: You're a strategist first? Is that the primary skill you have?

MR. MARTIN: I like to think that it is strategy. I think I have the ability to, I have a very, very deep understanding of our federal criminal rules, of our local criminal laws, of Supreme Court cases of criminal law, and I've practiced in America. When I'm given a situation, I have the ability to analyze it. I sometimes call it my triage. It is as though you're going into a hospital. When we debrief and learn the facts, we analyze it and come up with a strategy.

MR. STERN: Yes, but these clients are involved in high-profile, high public-interest cases. Are you a PR man, a fireman, a crisis manager? What are you?

MR. MARTIN: I think all of the above [laughter].

MR. STERN: Well which dominates?

MR. MARTIN: I think it depends on what is needed for the client and the situation. There are some cases where I have been asked by the client to actually be the face and the spokesperson for the client, and I've done that in front of TV cameras on Broadway in New York on behalf of a major department store in Manhattan.

MR. STERN: You'll have to explain that.

MR. MARTIN: There was a civil case filed against a major retailer in New York. They were alleging that the store was improperly detaining people of color for shoplifting, and they put a front-page article in the *New York Times* showing parts of the store with what was a holding cell where they held shoplifters until the police came. A big civil rights suit was filed. The store challenged the allegations and wanted to show that they were very active in the community, the reasons behind their policies and what they were attempting to do. I worked the case in conjunction with a large law firm, Jones Day. Jones Day had a prominent and lead role, and I was brought on to co-counsel the matter with Jones Day.

MR. STERN: Also to be the face.

MR. MARTIN: They also asked me to deliver TV messages when we had press conferences. I would interview the Board members and the management at the store. We

would craft a message and the store would ask me to be the face of the store to deliver that message to the community.

MR. STERN: And you prevailed.

MR. MARTIN: And we prevailed. We resolved that. We settled that case, and I think the client was very happy with the resolution of it.

MR. STERN: Many a lawyer would dread having to go in front of the camera, and in fact there are all sorts of shall we say strictures against publicity outside of court. That's not you.

MR. MARTIN: What actually gave me a very high interest in this is during the O.J. Simpson trial, I was brought on board by our local NBC affiliate Channel 4 to be an on-air daily commentator. We would alternate with another lawyer so every other day during the entire course of the O.J. trial I was actively involved either with CNN or Channel 4 to give local commentary. I did not understand the first time an IFB fell out of my ear what to do with it. The first time I was stumped with a question, I don't think I handled it well. Jim Vance, of local Channel 4, took me under his wing and spent a lot of time with me teaching me how to handle all situations that might come up in a newsroom. So he gave me a lot of confidence.

MR. STERN: You didn't want to switch careers?

MR. MARTIN: Um, if they were paid better than lawyers, I would love to have switched careers.

MR. STERN: Are you sure of that [laughter]? Before we leave your list of celebrity clients, a couple more I should mention. You got involved with Larry Craig, a Senator. What was that about? What were you able to accomplish?

(pause)

This is touchy. I know you are pausing.

MR. MARTIN: The only reason I'm pausing is that Senator Craig was then a senior senator from Idaho. He is now known for the now-infamous incident in the Minneapolis airport. I was counsel for the Senator on matters unrelated to the airport, not a criminal matter, but counsel for the Senator. My prior law firm, Blank Rome, which as you know had a very well-respected lobbying division, and the lobbying division did a lot of work with a lot of Republican members of both the House and the Senate, so on some of those issues, they would come to Blank Rome. As a partner, I was introduced to the Senator.

MR. STERN: But here we're talking about an incident in the men's room at the airport.

MR. MARTIN: The reason I raise this is that I was representing the Senator before the incident, and when he was stopped, he did not pick up the phone to call me, and part of his defense – and we tried to have his guilty plea ultimately – on his own, he went down and signed the paper saying, "I engaged in conduct that could be viewed as disorderly," and he entered a guilty plea. When I learned of this and we spoke to the Senator, I did not think that he had engaged in criminal conduct, and I told him that, and I told him that we should go back to Minneapolis, we should withdraw that guilty plea, and we should put this before the judge or a jury and try it. So we went back to

Minneapolis and we tried to withdraw the guilty plea, and the court would not allow us to withdraw the guilty plea.

MR. STERN: The courts don't always do what you ask them to do.

MR. MARTIN: Not always [laughter].

MR. STERN: You also were involved in the Chandra Levy case, the tragic murder of a congressional intern. Tell us about that.

MR. MARTIN: When Chandra Levy, an intern on the Hill, went missing, her parents, who were from the Modesto, California area, wanted to find somebody to help them keep the investigation alive and to keep the police looking for their daughter. They did not know if she had succumbed to foul play, was missing, was injured, was in a hospital, and they thought the police were not doing an active enough investigation. So they did a search of lawyers who had been involved in high-profile matters, and somebody told them that I was involved in the Monica Lewinsky case and that I might have some experience in doing these types of investigations in cases. They called me, and what was interesting is, just like the Monica Lewinsky matter, I did not at the time appreciate the severity or the gravity of the big case that that would grow into, or a big matter since there never was a case, how big that matter would become. At the time I was serving as lead counsel for the City of Cincinnati and the Cincinnati Police Department. In 2002, 2003, they had riots in Cincinnati, which is in a lot of commentaries now saying that the Cleveland situation with their police department should follow the model of the Cincinnati police department in 2003 through 2005. I was lead counsel in

Cincinnati at the time and was swamped. I was spending most of my time in Cincinnati with a whole team of lawyers doing that investigation. If you recall, the Justice Department had sent a team down there from the Civil Rights Division to do a pattern and practice investigation for excessive use of force against the entire police department. So we had a lot of work that we were doing, and I get a call from the family asking me if I would meet with them to discuss Chandra's case.

MR. STERN: Do you know how they came to call you?

MR. MARTIN: They called their local lawyer in California who knew of me. He said, "I don't know Billy personally, but I'd like to call him." The local lawyer did call me, and the local lawyer in California referred the family to me.

MR. STERN: You don't have to advertise, do you?

MR. MARTIN: Not really.

MR. STERN: What was the outcome of the Chandra Levy matter? You represented the family. This is January of 2015. Is that matter now fully concluded?

MR. MARTIN: Carl, that matter is not yet concluded. They had hearings within the past 60 days in D.C. Superior Court where ultimately charges were filed against a man here in D.C., and he was convicted of Chandra's death. A lot of that testimony against him was from a jail mate, a cellmate while in jail. The defense lawyers for that man have filed motions now saying that they were all lies, that the cellmate was telling lies, and the U.S. Attorney and the prosecutors knew or should have known that these were lies. So they're challenging his conviction. So while there is a conviction, and it is final as to

all appeals, I think they are now going back to say that there's either newly-discovered evidence that was not made available but they are trying to now challenge.

MR. STERN: Are you still involved in the matter?

MR. MARTIN: I stay in touch with the family, but I am no longer involved with the matter. Emotionally, one of the things I find I have to do is I have to move on. I have to move on from clients in some of these cases because they continue to have the pain and the suffering from their loss, and while I professionally empathize and can relate with them, that's not healthy for a lawyer to carry all of those burdens on a continuous basis.

MR. STERN: You say "move on," it's hard to believe you've moved along as well and as thoroughly as you have. We've just recited a few cases here. Let's go back to the beginning. How did this begin, this becoming a celebrity lawyer?

MR. MARTIN: You know what's interesting, and I tell people that I always wanted to be a professional athlete, and I thought that I had God's gift of speed and dexterity to be a very good athlete. Not enough to go to the next level.

MR. STERN: Which sport?

MR. MARTIN: I ran, but I was very good at football, basketball, baseball. I was a pretty well-rounded athlete, and I did not get any scholarship to play any football or basketball. I did run track, so I thought that I did not know what my calling would be.

MR. STERN: I bet you were on the debate team.

MR. MARTIN: I've always been one to be able to engage. And as a quick diversion, there's a story, that is an accurate story that has been published, on one of the things that prompted me to go to law school. I was home from college – I went to Howard here in D.C. as an undergrad – and I was home for the Christmas break or the summer break, and I had a small Volkswagen, and I'm in a pretty tony part of town, we call it the Georgetown of Pittsburgh, it's called Shady Side community in Pittsburgh, and I'm sitting in traffic, and a Porsche runs into the back of me, hits me pretty hard, damages the rear of my Volkswagen. I get out, the guy starts talking, and I cut him off, and I started verbally confronting him – what are you doing, what's wrong with you, you can see I was stopped, give me your license, don't you have respect – and I really almost berated this man, and he starts smiling. I get a little irritated wondering why he was smiling, and he gave me a card, and he says, "I'm one of the top civil lawyers in Pittsburgh, and I haven't been able to get a word in. What do you do?" [Laughter] I told him I was a student, and he said, "Clearly, you're pretty good at arguing, have you ever thought of going to law school?"

MR. STERN: Okay, so you were fast a'foot and fast a'tongue [laughter].

MR. MARTIN: Sometimes both of those get me in a little difficulty, but yes.

MR. STERN: Well now tell us, there's a story about you and John Thompson. Explain that.

MR. MARTIN: Firstly, John Thompson was the legendary coach of the Georgetown basketball team. Coach Thompson, who, although I did not go to

Georgetown, I had been a Georgetown basketball fan since the early 1980s when Coach Thompson started building the powerhouse basketball teams. I just respected his teams, so being in college in Washington, I kind of would go over to Georgetown and watch the Georgetown games, and I was a big Georgetown supporter. In the U.S. Attorneys Office, I was given the job at times of being the press liaison. In my capacity as an Assistant U.S. Attorney, I was the Executive Assistant U.S. Attorney, which meant that I was the number three person in the U.S. Attorneys' Office here in D.C. Part of my duties were to be the spokesperson and the press liaison on high-profile matters, so I actually got that start in the U.S. Attorneys Office. I've always been able to talk.

MR. STERN: Does that lead to free tickets to Georgetown games?

MR. MARTIN: That did not.

MR. STERN: What's the connection?

MR. MARTIN: The connection there is that I was asked to appear on a *Nightline* segment with Ted Koppel. They had a community – what did they call it – community forum over in Southeast Washington at the time that we were having all these, right when crack cocaine was taking over here in D.C., and we at that year, had somewhere in the area of 400 homicides.

MR. STERN: What year are we talking about?

MR. MARTIN: I think we're talking about 1998, 1999. So *Nightline* put together "D.C. Murder Capitol of the World," and Ted Koppel was having a community forum on this, and they had it over in Southeast. I was asked to represent the

U.S. Attorneys Office. When I was there, the seating was very secure. We had a lot of elected officials, and I was given a seat beside Coach Thompson. I had never met him before, and we started talking, and as we started talking, we talked about D.C., we talked about drugs, we talked about his players, we talked about whether any of his players, he's very active in the community with his players, whether any of his D.C. players may be part of this drug culture. I knew the answer, but could not give him an answer because the information is all secure and it's intelligence that was protected. So I knew an answer, and he knew that I knew the answer. He looked at me, and he said, "I enjoyed talking with you. I know you can't answer a lot of these questions, but it was very nice to meet you." When I fast forward, and I had no further contact with him. We met, we had mutual respect for each other, and we both moved on. I left the U.S. Attorneys Office and was now in private practice, and I sent Coach Thompson a letter, or a note, to say that I had left the U.S. Attorneys' Office and was now in private practice, and if I could ever be of assistance, please call me. He called me, and he said I'd like you to come over and talk with me. So I went over and I talked with him, and he said, "I have a situation with one of my players, and I'd like you to talk to the family. I can't hire you. NCAA will not allow me, but the family is interested." That player was not charged, so I can't say the name of the player, but I met him when he introduced me to the player.

MR. STERN: That then led you, however, to a sports representative, right?

MR. MARTIN: Correct. One of the things that I will forever be thankful to Coach Thompson for is after our meeting and after my dealing with this player, he went to his agent, and he is represented by mega super-agent David Falk, and at the time David Falk had just negotiated Michael Jordan's contract with the Bulls and Michael Jordan's contract with Nike, so David was really in a stratosphere of agents. He took me, set up a lunch for me and David and himself, and he said to David, "This is a very good young lawyer" – I was young then – "David, if you have issues that need a criminal lawyer, you should consider Billy." David interviewed me, and I took over as counsel for all of David's matters that were civil and criminal.

MR. STERN: You were working for the firm?

MR. MARTIN: I was outside counsel. David is still a friend, and David is still sending me clients.

MR. STERN: So that was your entrée into the celebrity world.

MR. MARTIN: That was my entrée, and from that, Allen Iverson was the first client.

MR. STERN: And the rest, as they say, is history. [Laughter] I think it was Abraham Lincoln who said, and I'll have to paraphrase, the worst things to avoid I think are death and going to trial. You've been involved in well over 100 or 150 jury trials. Is that the toughest part of your job?

MR. MARTIN: Actually, that's the most fun part of my job, and I really enjoy the courtroom, and I enjoy the challenge of a good trial. If I have something to work with, I'm very comfortable in the courtroom. And I can tell you that my reputation does in fact precede me, and it's fun to be, as a lawyer, in a negotiating

setting with other lawyers, and you can look across the table and say to them “and we can remove from the table whether there is any fear of going to trial, guys.”

MR. STERN: When I was in law school, a friend who was a lawyer, told me if you’re going to be a lawyer, you’re going to have to develop a tolerance for disappointment. Have you ever been disappointed?

MR. MARTIN: Absolutely. We used to have the saying that you win a lot of cases that you should not, and you lose some that you should not. Absolutely. There are rulings from judges that I disagree with. There are rulings that I think the court got it wrong, and there are times you want to say to the judge, “You got it wrong, judge.” But you can’t.

MR. STERN: If we’re going to quote people, I think it was Mark Twain who defined a trial as being a session where twelve people get together to decide who had the better lawyer. Is that right? Is that what usually happens?

MR. MARTIN: It sounds good, but I don’t think that’s accurate. I’ve had jurors who have ruled against me on a case and would say afterwards, “May I have your card?” Or they’ve called me later to say, “You know, you were a very good lawyer.” They didn’t go with me, but “If I ever need a lawyer, I’d like to call you.”

MR. STERN: When you are disappointed, can you put it behind you, or does it just hang with you year after year?

MR. MARTIN: I put it behind me, and I do have the ability. You know, we were talking earlier offline about the Ohio State game, and as you remember, the coach

said of the third string quarterback that he has the ability, following a miscue, a fumble, or an interception, to put it behind him and move on with the game. I have that same ability. I understand that I'm going forward, and if I stop to be disappointed, life and this trial is going to pass me by, so I have to deal with it and move on.

MR. STERN: I think I would do you an injustice asking only about litigation. You also have been active in the American Arbitration Association?

MR. MARTIN: I'm a member of the Board for the American Arbitration Association. I am active as a mediator. I'm trying to become more active as an arbitrator, and I have been a neutral, and I have been a party arbitrator. So I do more than the jury trials. I try not to do appeals, but I do a lot of dispute resolution, either litigation or alternate mediation arbitration resolution.

MR. STERN: Those who are listening to this conversation or reading the transcript of it really can't see you. You have an ebullient, joyful personality. Do you try to suppress that, or is it a useful tool, or what?

MR. MARTIN: It is suppressible [laughter].

MR. STERN: I didn't say repressible. [laughter]

MR. MARTIN: It is suppressible, and my wife will often say to me that I have a reputation within the media of having this expression that I am ready to go to battle, and she chuckles because she knows my real personality, and the only time that – it's a natural fit, litigation lawyering and my personality – because my personality is one where I'm usually a nice guy and very friendly until you put me in that courtroom, then it's like putting me in a ring. I'm ready to go.

MR. STERN: You're wearing a business suit. Just out of curiosity, do you wear a white tie in your pocket?

MR. MARTIN: I do not.

MR. STERN: That's what I suspected. Because you want to have a certain common touch, right? You don't want to suggest to the judge or jury that you are a fashion plate, a million-dollar lawyer, right?

MR. MARTIN: I do not want that image. I do not, and it's interesting because I clearly over the years have, and I have a body that sometimes does not fit suits that come right off the rack, so I have had clothes custom made for me because they fit better sometimes. I am not comfortable wearing those suits before a jury. I oftentimes wear a button-down collar or my dress is I'm just like one of the jury. I do not want to be elitist.

MR. STERN: When we were kids, we had two handkerchiefs, one for blow and one for show [laughter]. You don't take along the show handkerchief.

MR. MARTIN: I don't take the show handkerchief.

MR. STERN: Are there any clients, celebrity clients, that you would not accept?

MR. MARTIN: Oh absolutely.

MR. STERN: How do you distinguish between those you really want to help and those you want to send to somebody else?

MR. MARTIN: You talk to them, and sometimes the client will tell you how to lawyer. A lot of the personalities of celebrities will do just that, and I will say to them, "You can ask me my legal advice, but you cannot tell me what to say as your

lawyer.” And if we have that conflict early on, it’s not going to be a good relationship.

MR. STERN: You suggested earlier, or you mentioned, consulting Jake Stein, for example, for his ethics advice. You have a small firm here, right?

MR. MARTIN: Yes.

MR. STERN: How many lawyers?

MR. MARTIN: We have six lawyers.

MR. STERN: You do consult others when it seems necessary or appropriate, right?

MR. MARTIN: Oh absolutely. Almost every case. Because most of my cases are multi-defendant criminal cases or they’re such high-risk cases.

MR. STERN: This is sort of like asking a doctor who do you go to when you’re ill, who – and I don’t want to put you on the spot – but who do you go to?

MR. MARTIN: For years, my only go-to person on big cases and criminal law was Johnnie Cochran. I had a personal relationship with Johnnie. Johnnie was my mentor.

MR. STERN: Explain that. How did that come about?

MR. MARTIN: Probably 1990, 1991, I was hired by a local lawyer named Ralph Lotkin, and Ralph Lotkin had an office on Capitol Hill and did a lot of work on the Hill. He was a partner at the time of the law firm Cochran and Lotkin, so he was Johnnie’s law partner. He handled the D.C. office, and Johnnie handled the Los Angeles office, and they had a pretty good practice. They had a piece of business in Los Angeles that was an internal investigation of the construction of the red line, the subway line, in Los Angeles. Johnnie was lead counsel. I

went to L.A. and did the investigation with Johnnie, and I think Johnnie saw then that my many years as a senior federal prosecutor really did teach me how to do internal investigations, so I handled that internal investigation for Johnnie. Afterwards he said to me, "You're a good lawyer." And I think it was right around the time that he was doing, I forget which of his big cases it was, and I had a chance to watch how he handled the media, how he did his work. I would go to Johnnie's L.A. office, I'd sit in his office and listen as he did trial strategy. I would speak with him on strategy. So Johnnie Cochran, during my early years as a defense counsel, was a big mentor.

MR. STERN: What was it about Johnnie Cochran that made him so attractive to you as a lawyer and as a person?

MR. MARTIN: First off, he is a very nice person. He's very warm. As you described my personality, Johnnie and I could sit and have a conversation where we both would smile and talk and be a very pleasant conversation, and we could turn that switch off in a minute on a criminal case or a civil case and go after someone. So Johnnie and I really are very similar in many ways, and we got along well.

MR. STERN: What skill did he have? You can't do it on personality alone.

MR. MARTIN: I won't say it's like, you know it, when you see it, but he really had the ability to understand people and to understand, and I think a lot of what we do as trial lawyers is you have to understand your audience, so he had the ability to connect with the audience.

MR. STERN: *USA Today* did a profile piece about you a few years ago, and the newspaper said your associates, former clients, and even rivals say you possess unique skills for assisting people facing big trouble. What skills are we talking about?

MR. MARTIN: The skills I think they're talking about, one, I'm not overwhelmed or underwhelmed with facts or law. I'm able to see through issues and help a client understand what's going on. I tell people a client could come in in the next fifteen minutes to say that he or she had created the greatest invention or patent since sliced bread and somebody stole it, and here I can prove to you that this is my invention. I am not a patent lawyer, I do not practice intellectual property law, but I would be able to understand the issues, connect the client with a patent lawyer, and learn enough to try the case with a patent lawyer.

MR. STERN: Earlier you mentioned settling a matter. Are you a compromiser, or are you scorched earth? Where do you fit within that spectrum?

MR. MARTIN: Interesting question because I'm pretty good friends with Brendan Sullivan, and the team of lawyers I do a lot of work with at Williams & Connolly.

MR. STERN: Well they're pretty aggressive.

MR. MARTIN: And they're scorched earth. So whenever you hear the term "scorched earth lawyers," people in Washington think of Williams & Connolly. And I am scorched earth in trial, but I am not scorched earth pre-trial, and what I mean by that is I sometimes think it necessary to compromise to get my client in and out early and have that client move on with their life. If I can get a deal

that works, that's in my client's interest, and it does not disrupt their life too much, I might sometimes will say I can get you probation, or as you're facing twenty years, I can probably get this to three years. It's not worth the risk for twenty years. Your children are five years old, you want to be here with your children, let me find out what's best for you.

MR. STERN: If I could size you up on the basis of what you are saying, you are not just a law person, you are a people person, and that is what contributes to your success. Is that right?

MR. MARTIN: Absolutely. And I have relationships. People don't do me favors, but if I had a matter in the Northern District of California, the Southern District of California, I would have enough relationships in both of those places to go out there and have a face-to-face meeting. Sometimes the prosecutor will look at me and essentially tell me, "Go to Hell. You're not getting anything, and it's nice to meet you, and I know your big-time reputation, but no. Screw you and your client. We're not doing this." I don't talk that way, and I have prosecutors sometimes will say that to me, and I say, "Okay, well, see you in court." But if I can convince that prosecutor to see from my perspective, I sometimes can start breaking down the barriers to try to resolve it. I once told a prosecutor who thought that they had an air-tight case that my client would be interested in resolving this matter, and they essentially told me, "No, we're going to trial." We quit at that point. The prosecutor later said to me, "You are a man of your word."

MR. STERN: It's not uncommon for people who have worked at a particular profession or occupation after a certain number of years to become exhausted and to just want to walk on the beach. Do you want to walk on the beach?

MR. MARTIN: I love walking on the beach.

MR. STERN: Well you have enough money, you can walk away from it now.

MR. MARTIN: I love walking on the beach. I'm an avid golfer. I love golf.

MR. STERN: Your handicap is?

MR. MARTIN: My handicap right now is probably still listed as a ten. I'd love to get lower than a ten, but I don't have time to do that.

MR. STERN: You're not under oath [laughter]. So you're not exhausted?

MR. MARTIN: I'm not exhausted. I don't have the emotional – I don't have as much emotion as I once had.

MR. STERN: Fire in the belly?

MR. MARTIN: I might be able to do this for A, B, and C. There was a time I could do it for A, B, C, D, E, F, and G. Now I pick my cases more selectively.

MR. STERN: In our next episode we'll talk about your career biographically, but how many years have you been at this?

MR. MARTIN: I have been practicing now almost 40 years, 38 years right now. I love what I do.

MR. STERN: Because?

MR. MARTIN: I think I make a difference. I go to bed at night thinking of my cases. I don't dream about them so I have no nightmares about my cases. I wake up in the

morning thinking what am I going to do with these cases today. It challenges me, and I still enjoy what I do.

MR. STERN: People talk about loving the law, law doesn't seem very lovable. Why do you love the law?

MR. MARTIN: I love the practice of law, and what's interesting is I remember I was in court last week and the judge spoke from the bench to me and said, "Mr. Martin, did you know that Mrs. Loving has died?" In the *Loving v. Virginia* Supreme Court case. I thought "no." I've been practicing long enough that I go back to *Mapp v. Ohio*. I go back long enough that I remember voting rights issues, the Civil Rights Act, when the law was really being shaped to really show that justice was blind and that there was equal justice under the law. I'm not sure when you have the situation that we have now with Ferguson, with Cleveland, with the shootings of these young African Americans and justify to young people that the law is always fair. So I can't say that I love "the law," but I love being skilled enough to challenge the law or as a prosecutor then move to enforce the law.

MR. STERN: And it aspires to great things.

MR. MARTIN: It aspires to great things.

MR. STERN: Doesn't always achieve it, but is that right?

MR. MARTIN: It absolutely does, so my love of law is really an aspiration of law as opposed to daily implementation.

MR. STERN: Okay, we're going to call a halt in session number one.