

When The Client Is The Mayor, The Usual Rules Don't Apply

By **Julie Manganis**

Law360 (October 1, 2024, 1:28 PM EDT) -- Representing a public official, whether the mayor of New York City, a state legislator or a city council member, poses unique challenges for even the most experienced lawyers, who often find themselves torn between fighting battles in the press and protecting their client in court.

Everything from discovery to potential plea negotiations to jury selection is affected when the client is a politician or other public figure — and the usual playbook doesn't always cover such a situation, white collar experts said in the wake of New York City Mayor Eric Adams' **indictment** on corruption charges.

On top of that, the client often faces intense pressure to get their side out.

"You have conflicting interests, so you're adopting a traditional defense strategy but recognizing the unique needs of a public figure whose career is based on their reputation," said Michael Kendall, a Boston-based partner at White & Case LLP. Lawyers "have to be on top of it immediately, and non-stop," he said.

Adams' attorney, Alex Spiro of Quinn Emanuel Urquhart & Sullivan LLP, has taken a particularly aggressive approach. Since the indictment was unsealed on Thursday, he told a scrum of reporters that the prosecution "isn't even a real case," held a press conference at the law firm's Manhattan offices to give a slide presentation on a motion to dismiss a bribery count, and urged the court in another filing to sanction prosecutors for alleged leaks to the press.

Spiro also tipped his hand on a possible defense at trial: challenging the credibility of an Adams aide and government cooperator, who is described in the motion to dismiss as "a self-interested staffer with an axe to grind."

Thomas Hoopes of Libby Hoopes Brooks & Mulvey PC said government officials and their criminal defense lawyers face more pressure to speak publicly about the case than most defendants and their counsel. Otherwise, the public might assume they're guilty.

"A lot of people are afraid of it, but that's just sticking your head in the sand," said Hoopes, who represented a Massachusetts judge accused of flouting federal immigration law in a case that was ultimately dropped. "You're fighting a fire, and you've got to figure out if you're going to get torched."

"It's the sort of situation that changes the rules," Hoopes added.

Kendall said the desire "to get out as good a story as they can as quickly as possible" is not something most lawyers want their clients to do.

"My instinct is to always try to minimize press coverage," Kendall said. "Sometimes you can't, and you have to manage it, within the ethical rules."

But that sometimes jeopardizes a potential defense, and draws the ire of judges.

"Judges do not want to see defense lawyers debating the case on the City Hall steps," Kendall said. "If you're a trial lawyer, you generally don't do things to offend judges."

For a client who is trying desperately to hold onto a career while the government controls the narrative, "it's really unfair," said Kendall, who represented a Massachusetts parent caught up in the "Varsity Blues" college bribery scandal.

Defendants like Adams can use their bully pulpit to mount a defense, but there are risks in doing so, lawyers say.

"Public officials, if they're successful, have the skill and ability to manage the press," Kendall said. "They're conditioned to think they're good at it, and they are, but not in the context of responding to an indictment."

"Right now, the lawyer is dealing with a client who's talking," Hoopes said.

Managing a powerful client like Adams — or anyone who has reached a certain level of success, like a CEO — is not for the faint of heart. Powerful people often want to dictate how their case will be run.

Hoopes points to the adage, "He who represents himself has a fool for a client."

"You can't have a small ego and be mayor of New York," Hoopes said. "The bigger the person, sometimes the greater the challenge."

Once the case has made it to trial, the challenges don't end. Finding jurors who are either unaware of the case or who haven't formed an opinion is among the biggest hurdles, said Martin G. Weinberg of Martin Weinberg PC.

Jurors come into the courtroom filled with perceived notions, both general — such as believing all politicians are corrupt — and specific to the defendant, Weinberg said.

Judges often use questionnaires in an attempt to identify those biases. "It's not a perfect science," Weinberg said. "You end up with a jury of people who may have unknown biases."

Those biases, Weinberg said, can be aggravated by the type of charge and even the details. Adams is accused of soliciting and accepting foreign campaign contributions in exchange for favorable treatment. Weinberg said the claim that Adams accepted benefits from Turkish business and government officials "adds a whole other level, and that is how people feel about foreign governments."

Hoopes said questionnaires are "better than nothing," but still leave a lot of room for oversights, and sometimes don't really address the potential concerns, in particular, political beliefs and biases.

Individual questioning of jurors can sometimes ferret out those views, Hoopes said, but the small window of time between identifying members of the jury pool and jury selection can make that difficult.

"If the mayor has any money left, it might best be spent getting a really good jury consultant," Hoopes suggested.

In Adams' case, the government is represented by Hagan Scotten, Celia V. Cohen, Andrew Rohrbach and Derek Wikstrom of the U.S. Attorney's Office for the Southern District of New York.

Adams is represented by Alex Spiro, William A. Burck, John F. Bash and Avi Perry of Quinn Emanuel Urquhart & Sullivan LLP.

The case is U.S. v. Adams, case number 1:24-cr-00556, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Frank G. Runyeon. Editing by Nicole Bleier.