

THE TALENT

LITIGATOR OF THE WEEK: Richard Strassberg of Goodwin Procter

Posted by Dimitra Kessenides

By Andrew Longstreth in *The Am Law Litigation Daily*

During closing arguments in the KPMG tax fraud trial, New York federal prosecutor John Hillebrecht made a stunning admission. The credibility of one of the government's key witnesses, accountant Steven Acosta, had been shredded by defense attorney Richard Strassberg of Goodwin Procter, who represented ex-KPMG partner David Greenberg.

"Let there be no doubt about it, not that I thought there was any, Steven Acosta was a catastrophe," Hillebrecht told the jury. "Steve Acosta got destroyed on cross-examination by Mr. Strassberg. There's no question about that. Mr. Strassberg will be telling that story for years. But speaking personally, I wanted to crawl under the table."

As reported yesterday, Strassberg's client, Greenberg, was found not guilty while his three codefendants, including former Brown & Wood partner Raymond Ruble, were convicted. According to the New York Law Journal, the government tried to use Acosta to show that Greenberg sold a tax shelter with fraudulent intent. Instead, Acosta was revealed as a liar.

"This is a case that the government premised...on the word of this one cooperator," Strassberg told us yesterday. "A lot of our efforts were put into making it clear to the jury that it could not rely on that cooperator."

Strassberg also told us that Hillebrecht's comments about his cross-examination of Acosta were not just polite praise. It was a strategic move. "He was attempting to concede what was obvious, I think, and get back in the jury's good graces," said Strassberg. "In that sense, I think it was actually pretty smart of him, and probably helped him with the other defendants to try to do that. Because, at least from my perspective, by the time I finished my closing, I think the jury was not very happy with what the government had done, at least on the case with respect to my guy."

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