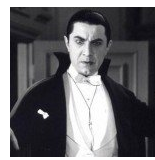




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CRIME

Benchslap All-Star Survives Perjury Prosecution

By JOE PATRICE

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The U.S. Attorney's Office slips on a rare banana peel.

Beau Brindley has pursued a bit of a checkered career. The Chicago defense attorney was labeled “[a lawyer whose word cannot be trusted](#)” by Judge Frank Easterbrook. Before that, Judge [Michael McCuskey](#) held Brindley in contempt and [ordered him jailed for 48 hours](#). But one thing he hasn’t done is commit a federal crime.

Not that he didn’t have to sweat that one out. Last year, we brought you news that federal prosecutors targeted Brindley [in a criminal probe](#). That probe resulted in 21 counts of making false declarations, encouraging witnesses to commit perjury and otherwise obstructing of justice. Brindley and his compatriot, Michael Thompson, pleaded not guilty and their efforts [were rewarded yesterday](#) when [Judge Harry Leinenweber](#) announced that “[t]he government has not proved any of the counts.”

The core of the charges against Brindley was a practice of scripting and rehearsing testimony that prosecutors — and former Brindley clients taking the stand — claim was ultimately false. But Brindley maintained that the scripts were written based on the facts as maintained by his clients and the rehearsal exercise was intended to keep the witness prepared. You know, like *every lawyer who ever put a witness through a deposition or trial*. The difference here, according to the government’s argument, was that the witnesses *now* say they were lying. Lawyers for Brindley and Thompson locked in on the big prison sentence breaks prosecutors offered for testimony against Brindley.

Unfortunately for prosecutors, Judge Leinenweber understood Brindley's practices [all too well](#):

“ In his ruling, Leinenweber said the 21-count indictment filed against Brindley may have made it seem like “there’s a lot of smoke and therefore there must be a fire somewhere,” but in the end prosecutors failed to prove that Brindley knew his clients were lying when he put them on the stand.

The judge noted that each of Brindley's former clients who had testified against him — most of whom are serving lengthy prison sentences — had on a previous occasion “lied at least once under oath.” Some also were offered huge breaks in their sentences in exchange for their testimony against Brindley.

Leinenweber also said there was nothing improper about preparing question-and-answer scripts for clients — in fact, the judge said he used them himself when he was a private attorney and “would never dream” of putting a client on the witness stand “without an exhaustive preparation.”

The case had deeply troubled the Chicago defense bar, who rallied around the controversial Brindley based on what they saw was a stunt trial to silence defense lawyer dissent:

“ Larry Beaumont, another long-time defense attorney and former federal prosecutor, said the case against Brindley was unwarranted. He and Ettinger agreed it could have had a chilling effect on the local defense bar.

“The government had witnesses that were, in essence, bought and paid for,” Beaumont said.

And that's what's important today. We congratulate defense lawyers everywhere for having their profession put on trial and actually winning in a system increasingly hostile to the defense. Maybe it's that Judge Leinenweber is 78 and comes from the old school when criminal procedure still tilted a bit more toward the defendant. Maybe it's that this case was so absurd. In any event, the federal government got handed a rare loss.

And, of course, some congratulations are in order for Beau Brindley. Kudos on surviving to be benchslapped another day.

[Defense attorney innocent in perjury case](#) [Chicago Sun-Times]

Earlier: [Benchslap Of The Day: You Won't Like Judge Easterbrook When He's Mad Benchslapped Beau Brindley Is Back — And The Target Of A Criminal Probe](#)

TOPICS

Beau Brindley, Benchslaps, Crime, Harry Leinenweber, Michael Thompson, Perjury

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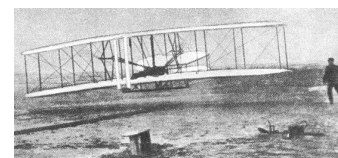
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