

# 'The Devil Incarnate': How 3 Prominent South Florida Attorneys Win for Clients With Image Problems

Defense attorneys Bruce Lehr, Howard Finkelstein and Margot Moss talk litigation strategy and public pushback in cases with infamous clients.

By [Raychel Lean](#) | June 28, 2018 at 11:33 AM - Daily Business Review



Attorney Bruce Lehr, Lehr Levi & Mendez, Miami. Courtesy photo

“Don’t you have children?”

[Bruce Lehr](#), a criminal defense attorney at Lehr, Levi & Mendez in Miami, still remembers the words whispered to him in Yiddish by the father of a murdered 10-year-old girl.

“She was an A-student, sweet little girl,” Lehr recalls.

It was his first case as a criminal defense attorney, and on day one of the trial he stood prepared to defend the man charged with the killing. His client, [John Donald Pierson Jr.](#), a Stanley Steemer carpet cleaner, was one of two men accused of the sexual assault and murder of Staci Weinstein in North Miami Beach in 1982.

“That was the first flavor I got of representing people that are far from appreciated by society,” Lehr said.

But it wouldn’t be his last.

“I’ve represented people who have broken into policemen’s homes with guns. I’ve represented people who have killed policemen. I’ve represented child molesters,” he said. “I also had the mayor of South Miami charged with taking a bribe on tape.”

For defense attorneys like Lehr with high-profile cases, a big part of their practice involves representing clients with image problems. And with that comes additional responsibilities and an innate talent for overcoming animosity.

“You’re not going to convince the jury that they want to have your client home for dinner,” Lehr said. “You just have to make enough headway that you get them to listen.”



Broward Public Defender Howard

Finkelstein. Photo: Melanie Bell/ALM

Broward Public Defender [Howard Finkelstein](#) agrees. After decades spent working his way through the ranks of the public defender’s office, Finkelstein acknowledged heated feelings toward his clients, but he works to ensure the “active mental cauldron” keeps bubbling and doesn’t become hardened. For him, the worst-case scenario is a jury who’s already made up its mind long before his team even delivers the opening statement.

“If you are silent during the many months of media coverage of your client’s case and you let the police and the prosecutors go unanswered, by the time you pick a jury two years later, don’t even bother,” Finkelstein said. “You’ve already lost.”

A [flair for good public relations](#), it turns out, comes in handy as does an insider’s knowledge of prosecution strategy.

## DOING IT RIGHT?

Before Lehr represented criminal defendants, he prosecuted them. The former Miami-Dade County Court chief prosecutor and senior trial attorney in the narcotics division was at the forefront of drug war during Miami’s “Cocaine Cowboy” era in the 1980s.

But well before that, as a child in the schoolyards of Brooklyn, New York, he found himself fighting those who disregarded the rules to exploit the most vulnerable.

“It was the kid with the limp or the kid with the deformity or someone that was always beaten up,” he said. ” And me being a large guy, it became my job to become the protector.”

Over 350 jury trials later, Lehr still sees himself as someone who stands up for the underdog, albeit a less sympathetic crowd than his frailer former schoolmates.

“ When people are really in a desperate-type situation they come to me, and I’m still the big kid in the schoolyard,” he said.

Lehr once represented a defendant accused of driving drunk and rear-ending a beloved Florida state trooper. Trapped inside his patrol car, the officer burned to death.

“I really didn’t know if I should take the case,” Lehr recalls. “I went to my wife, who’s a county judge, and I thought this is going to affect her because I’m representing the ‘bad guy.’ My wife said to me, ‘Are you going to do this right?’ ‘Yes,’ I said. ‘Then do it.’ ”

More recently, Lehr won a Palm Beach Circuit Court case on speedy trial grounds involving a man who allegedly molested his wife’s 13-year-old niece since she was 8.

“ Having to walk through the throngs of family members when you are representing the devil incarnate, as far as they’re concerned, is an experience,” he said.

In another case, he represented a man charged with T-boning a minivan, killing a young passenger.

“It’s always interesting to feel on the back of your head the people who are staring and hating and wishing your head would explode,” Lehr said.

But for attorneys like Lehr, the importance of their task supersedes any momentary discomfort.



Margot A. Moss, Markus Moss, Miami.

Courtesy photo

For Miami defense attorney Margot Moss, her job meets a constitutional obligation.

“I represent people who are human beings, who are flawed like we all are and who have made mistakes,” said the Markus Moss partner. “They are not terrible people. They are not morally flawed. They are people that deserve representation and zealous advocacy, and the Constitution should apply to them.”

Her firm has represented multiple clients charged with drunken-driving manslaughter.

“These are horrible cases, and it’s tragic on both sides of the aisle,” Moss said. “You have to acknowledge the tragedy, acknowledge the crime and try to differentiate your client as an individual, who is not necessarily the horrible human being that they would presume that he or she is.”

## **NEW FRONTIER**

Defense lawyers say the aim is to humanize the client. That strategy helped Lehr clear defendants charged with molesting two young girls.

“Ladies and gentlemen of the jury, you’re not listening to me,” Lehr told jurors during his closing argument. “And I understand why, because there are 10 monsters standing behind me, and those are the charges. I, my client and everyone in the courtroom knows these charges are horrible. But what they cannot do is take your complete attention because that is unfair.” Persuaded to look beyond the charges and to pay attention to the people in front of them, the jury reached a surprising decision, returning 10 not-guilty verdicts. Even then, unsympathetic defendants like the accused child molesters face grim prospects. “I always tell my clients, ‘If I am successful at walking you on this charge, you will not be seen as the wrongly accused person. You will be seen as the bad guy that got away,’ ” Lehr said. But Finkelstein, who provided televised commentary during the O.J. Simpson murder trial, thinks that infamous and controversial case benefited lawyers in his line of work. “ America has grown up a lot. And whether they want to admit it or not, you can thank O.J. Simpson for that,” he said. ”By the end of the O.J. Simpson trial, I could walk into any restaurant and at any table you would hear people having discussions about hearsay, exceptions to hearsay, DNA, burden of proof, and they understood it because they were riveted by it.” Before the closely watched trial, few Americans understood how the criminal justice system functioned, he said. “America had had an eight-month intense civics lesson” by the end of it, Finkelstein said. It’s an education that the public defender’s team likely hopes will benefit a current client, confessed school shooter Nikolas Cruz, who admitted to killing 17 teachers and students at Marjory Stoneman Douglas High School in Parkland. The goal is to persuade the court to spare the life of the 19-year-old defendant, whose mother died months before the shooting, leaving him a displaced orphan. “There’ll be no sympathy. Nobody expects sympathy. The carnage, the loss are beyond words,” [Finkelstein said in the days following the shooting](#). “What will take place in court will not be about fixing that which can’t be fixed — meaning the families’ losses — but what is the appropriate and just response of our community, our society, our country.” The hope, defense lawyers say, is that juries acquit whenever the state fails to prove guilt beyond a reasonable doubt. “When you boil it all down, it’s about one simple statement. ‘We hold these truths to be self-evident, that all men are created equal,’ “ Finkelstein said. “As a public defender, it is such an honor and a privilege that I get to be the guy that breathes life into that promise.”

## Raychel Lean



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