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Task force prosecutors prosper after Enron case

CAREERS AFTER ENRON

Prosecutors are prospering

Talent from the task force is moving on or moving up

KRISTEN HAYS, Copyright 2006 Houston Chronicle | November 2, 2006

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Photo By Steve Ueckert/Houston Chronicle

Many of the government attorneys who worked on the Enron Task Force, such as Sean Berkowitz, are leaving for promotions, law firm positions or academia.

The **Enron** scandal led former CEO **Jeff Skilling** to a lengthy prison sentence.

But it also led to lucrative moves to law firms, promotions or academic careers for several of the federal prosecutors who dogged him and other corporate crooks.

Two of the three prosecutors who headlined the trial of Skilling and former Enron Chairman **Ken Lay** have left government work for law firms with deep pockets. The third is considering options.

Several prosecutors have done the same, though others chose different paths after serving an Enron tour of duty.

Upon Skilling's sentencing last week to 24 years and four months in prison for 19 criminal counts, the Justice Department said its Enron Task Force was disbanding after nearly five years, more than 30 indictments, 16 guilty pleas and five trials with a mixed record of success.

Their experience in chasing crimes made task force members hot commodities to law firms offering big money, said **Adam Gershowitz**, a professor at the South Texas College of Law in Houston.

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"They got a lot of recognition from it. That means the next time a major white-collar case comes along and people look down the Rolodex on who to hire, they may want one of these guys," he said.

Most white-collar work, such as internal company investigations, never reaches a courtroom, though companies pay a lot for such guidance, Gershowitz said. Ex-federal prosecutors "are a cash cow for some of these big law firms because white-collar is very lucrative."

Sean Berkowitz, the third director of the Justice Department's Enron Task Force since its inception in January 2002, left the government this week to switch sides. He cross-examined Skilling, challenging everything from the ex-CEO's truthfulness to whether he paid his taxes.

Berkowitz joined Chicago-based Latham & Watkins on Wednesday.

John Hueston, who brutally cross-examined Lay, will join Los Angeles firm Irell & Manella next week after wrapping up a two-week Enron speaking tour in China.

The third main prosecutor, task force deputy director **Kathryn Ruemmler**, confirmed Wednesday that she is exploring opportunities but hasn't decided what her next move will be.

Berkowitz said critics may decry prosecutors who bolted for lucrative private-sector jobs. But he said none knew when they joined the Justice Department that Enron would come along or whether prosecutions would be successful. And most federal prosecutions go unnoticed.

"If we had not performed well, obviously it would not have gone as well," he said. Enron "has allowed people on a national level to see the talent that exists within the ranks of the **Department of Justice**."

North and Fleiss

Several top white-collar attorneys that Enron prosecutors have faced also were once federal prosecutors. Those include **John Kecker**, lead lawyer for former Enron finance chief **Andrew Fastow**, and **Mark Holscher**, a member of Skilling's legal team. Kecker prosecuted **Oliver North** in the Iran-Contra scandal and Holscher prosecuted Hollywood madam **Heidi Fleiss**.

None of the Enron prosecutors served on the task force from its inception through to the Lay-Skilling convictions. They hailed from cities throughout the country, and the work often required months away from home.

The first director, **Leslie Caldwell**, left the task force in March 2004, shortly after Skilling was indicted but before Lay was. She joined Morgan Lewis in New York a few months later.

She said she has no regrets about missing the premier trial in the probe.

"I never intended to stay for the duration, only to get things focused and moving forward until at least the key players were addressed," she said. "And I knew the case was in great hands."

The deputy director who moved up to replace her, **Andrew Weissmann**, stayed longer than any other task force prosecutor before he stepped down in July 2005. For several months he served as special counsel to FBI Director **Robert Mueller**, and in March of this year he joined Jenner & Block in New York. Another ex-Enron prosecutor, **Lisa Monaco**, now advises Mueller.

"Doing a very sophisticated white-collar investigation prepares you for representing companies," Weissmann said. "Enron itself was the world's most complicated internal investigation."

Sam Buell chose academia after leaving the task force in early 2004 upon having secured an indictment against Skilling. He was a visiting professor for two years at the University of Texas School of Law, and this fall joined the faculty of Washington University School of Law in the St. Louis area.

He said he always expected to write and teach in his post-prosecutorial life.

"Enron was the ultimate case in terms of its challenging complexity and national importance, so there really wasn't a whole lot left for me to do in the Department of Justice after Enron that would excite me," Buell said.

Justice promotions

Still others have moved up in the Justice Department.

- **Cliff Stricklin**, a former Texas state judge in Dallas who helped prosecute Skilling and Lay, in August was appointed first assistant to U.S. Attorney **Troy Eid** in Denver. He is to lead the prosecution team in the March insider trading trial of former Qwest Communications CEO **Joseph Nacchio**.
- **Matthew Friedrich**, who helped prosecute two trials, is counselor to U.S. Attorney General **Alberto Gonzales**.
- **Ben Campbell**, who led the prosecution team in the first broadband trial last year, succeeded Friedrich as acting chief of staff and principal deputy assistant attorney general in charge of the Justice Department's criminal division.
- **Van Vincent**, who joined the task force in December to lead the retrial of two of the broadband executives this

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year, will begin a six-month detail in Iraq later this month as attorney adviser with the Justice Department's **Regime Crimes Liaison Office** in Baghdad. The organization helps the **Iraqi High Tribunal** with war crimes investigations and trials.

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