

LOS ANGELES

Daily Journal

THURSDAY,
APRIL 24, 2008
VOL. 121 NO. 78
\$ 3.00

www.dailyjournal.com

— SINCE 1888 —

© 2008 Daily Journal Corporation. All Rights Reserved

Criminal bar head connects to history

This article appeared on Page 1

By Pat Broderick
Daily Journal Staff Writer

SAN DIEGO - Some lawyers will delve back a few years to search for case histories. But for Michael L. Crowley, he often treks back to the 18th century for knowledge, regularly confuring up the likes of John Adams and Thomas Jefferson.

"I've always been a big history buff," said Crowley, 54, the newly elected president of the San Diego Criminal Defense Bar Association.

In his spare time, such as it is, Crowley is working for— his master's degree in humanities, with an emphasis on history, taking online courses from California State University, Dominguez Hills, in Los Angeles.

U.S. District Judge Jeffrey T. Miller, who has known Crowley for years, said that he has observed the counselor's intellectual bank in his own courtroom.

"Mike has a great appreciation for legal history," Miller said. "Mike is one who will go as far back as he needs to go to find support for his position."

Inspired by those Founding Fathers, Crowley views his role as a caretaker of the U.S. Constitution.

"People tend to take our system for granted," he said. "They don't realize how fragile it can be."

A solo practitioner since 1986, Crowley is presiding over the 30-year-old association, created to educate its more than 250 members on criminal defense procedures, strategies and legal research, as well as being an advocate for constitutional rights enforcement.

Crowley also hopes to improve the image of criminal defense attorneys.

"People have an idea about it, but mostly from TV shows," he said. "I want to reach out to the public and explain exactly what we do."

While the F. Lee Baileys, Melvin Bellis and Johnnie Cochrans have seized the spotlight over the years, it's the prosecution that tends to get the limelight, said Crow-



Tom Kurtz / for the Daily Journal

San Diego attorney Michael L. Crowley hopes to improve the image of criminal defense attorneys. "People have an idea about it, but mostly from TV shows," he said, "I want to reach out to the public and explain exactly what we do."

ley, and the good wishes of the public.

"You walk into a courtroom, with a child molestation or rape case, and you are associated with the defendant's acts," he observed. "But, we are the quality-control people. If we just put people away, there would be no system."

San Diego County Superior Court Judge Joseph P. Brannigan, who presides in family court in Vista these days, previously served as an assistant U.S. attorney and deputy district attorney in San Diego.

"I had lots of cases with Michael, and have opposed him on numerous cases in federal and state court," he said. "I remember him to be open and honest and an above-board attorney, who did an excellent job for his clients."

Crowley, 54, also had cases before now San Diego County District Attorney Bonnie M. Dumanis when she presided in San Diego County Superior Court.

"Michael Crowley is an excellent choice for president of the Criminal Defense Bar Association," she said. "I look forward to working with the organization under his leadership."

A native of Jacksonville, Fla., Crowley hadn't planned on being an attorney. After he graduated from the University of Flor-

ida in 1974, with a degree in journalism and political science, Crowley worked as a reporter at the Dispatch in Union City, N.J., from 1975-1978, covering the criminal legal system and politics, and freelancing for other publications.

Then Crowley decided that he'd rather practice law himself than just write about it, and enrolled at California Western School of Law, where he earned his law degree cum laude in 1984.

An early mentor was Michael Aguirre, these days the high-profile San Diego city attorney, but then a solo practitioner. Crowley worked as his law clerk between his first and second years of law school, and then worked two more years for him after Crowley's graduation.

"Mike has not changed one iota in 20 years," Crowley said. "I have, but he has not. He is exactly as he was - a bull in the china shop. But I learned a heck of a lot from him. I learned ethically how to conduct myself, and that is not something they teach you in law school. I am fond of saying, he sucked as much out of me as I did of him before he beat me down with his unbelievable energy."

Aguirre was indeed a tough taskmaster, sometimes calling him at 3 a.m. with brainstorms and demands. Then the J. David Dominelli scandal broke, involving a financier who ran the La Jolla-based J. David & Co. Dominelli later would be sentenced to prison for masterminding a multimillion-dollar investment swindle. Aguirre, well known as a securities lawyer then, would become one of the lead plaintiffs' attorney in the case.

Crowley recalled Aguirre calling him at 6 a.m. "He said, 'Meet me at the University

Club at 7,” Crowley recalled. “We didn’t even have a client yet, but he mapped out how we were going to do the case. We were the first people, allowed by court order, to go into Dominelli’s office and see what his office was all about. There was this gigantic safe with 200 or 300 safety deposit boxes.”

Another high-profile case for Crowley was “Strippergate,” which led to the convictions in 2005 of two former city councilmen, and a Las Vegas lobbyist. This involved a scheme to trade money for efforts to repeal a city law, banning touching

bicycle that he worked out of, to show that he wasn’t part of the politics, and he wasn’t involved in any kind of legislation,” he said. When Crowley does pull out the stops, he adopts what he calls an “in and out” strategy during cross-examinations.

“I have seen many defense attorneys who have stellar reputations walk right into things in cross-examination,” he said. “I am a believer in the surgical cross-examination. In criminal law, you are always flying by the seat of your pants. You have to ask questions. But you have to do it in a controlled way, so that you can’t get hurt

top of any occupational polls taken of the public. But the rewards can be many.”

Criminal defense lawyer Robert E. Boyce, a partner in the San Diego law firm of Boyce & Schaefer, and the association’s newly elected vice president, gives Crowley points for demeanor.

“We have had some very difficult personalities, who insist on the organization doing this or that,” he said. “With somebody other than Michael, it would have ended up in battle of egos and points of view. But he is very good at navigating through those straits.”

Criminal defense attorney Mary Frances Prevost, who runs her own practice in San Diego, considers Crowley “one of my go-to guys.”

“He is one of the few who really will make a change,” she said. “He commands respect of everyone. In just his first few weeks in the position, he has already focused on issues he means to change to make life better for the attorneys and our clients.”

On the front burner are a couple of bills in the pipeline that could impact the criminal bar, said Crowley. Currently, this includes Assembly Bill 1854 that would authorize San Diego County to empanel an additional grand jury to hear criminal matters. Crowley’s organization has joined with the Criminal Defense Lawyer’s Club of San Diego, an invitation-only group, in opposition, contending that it would raise costs for the county, and “increase the secrecy and reduce the transparency of criminal prosecutions.”

The groups also are opposing AB 2377, which they said “would virtually close the courthouse door” to defendants seeking information about a police officer’s past misconduct and credibility as witnesses.

On the personal side, Crowley’s family includes wife, Jolene, who runs her own public relations company, Crowley Communications; daughters Caitlin, 17, a junior at Granite Hills High School, and Emily, 27, who is following in her dad’s footsteps. Having worked for a few years in marketing and public relations, she now is attending California Western School of Law.

All in all, Crowley seems content with his career at midlife.

“Some days I am really tired,” he said. “You see this flat spot on my forehead? It’s from beating my head against the wall. But, I’m happy knowing that I can give my first-born daughter to the cause.”

© 2008 Daily Journal Corporation. All rights reserved.

‘In Criminal law, you are always flying by the seat of your pants. You have to ask questions. But you have to do it in a controlled way, so that you can’t get hurt by the answer.’

Michael L. Crowley,
San Diego Criminal Defense Bar president

between strippers and customers. U.S.A. v. Ralph Inzunza, 03 CR 2434 JM, (S.D. Cal., filed Nov. 10, 2005). Crowley represented a council aide, who was acquitted on a single charge of making a false statement to an FBI agent.

Miller, who presided over the case, gives Crowley high points for his work.

“I think Mike acquitted himself very well in that case,” said Miller. “He is so experienced and such a fine lawyer. There is no case beyond his ability to try and try it well. He is an absolutely a first-rate trial lawyer.”

Miller also observed that Crowley knows when to take a low-profile, depending on the case.

“Sometimes the most eloquent cross-examination can be none at all,” he said. For Strippergate, Crowley toned it way down. As part of that strategy, for instance, Crowley convinced his fellow defense counsel to sit next to the lecturer.

“In federal court, this makes you hidden from the jury,” he explained. “In this case, I wanted to lay low.”

The case involved a half-dozen defense lawyers - a scenario that always presents challenges, said Crowley.

“Working with co-defendants is tricky - being able to try the case the best you can, without stepping on the toes of the co-defendants,” he said. “It’s not out of camaraderie, but because of the perception of the jury that if you are fighting each other, you both must be guilty.”

His low-key strategy in Strippergate wasn’t showy, but it proved to be effective.

“I introduced pictures of my client’s cu-

by the answer. If not, don’t go there.”

Miller appreciates Crowley’s approach to the work.

“I know that I can bank on the fair representation of cases he is bringing to my attention,” said Miller. “I always listen very, very carefully to what he has to say. In part, it comes from his love of the law, demonstrated by the fact that he is a law professor. He is quite outstanding.”

Steve Semeraro, an assistant professor at Thomas Jefferson School of Law in San Diego, considers Crowley to be “one of the most reliable and dedicated adjunct professors we have had.”

After years of teaching a class in constitutional litigation and civil rights enforcement, Semeraro said, Crowley was asked to take on a class devoted to understanding the nuances of California evidence.

“It was totally new and different and a real challenge for him, and he has done it with great gusto,” said Semeraro. “It’s important to any litigating attorney who is going to practice in California.”

While Crowley enjoys popularity as a teacher, criminal defense attorneys aren’t always revered by the public. But, among his colleagues, they hang together.

“We share everything,” he said. “You say, ‘Help! I’m in trial. Here is the issue,’ and 10 people will respond with their ideas right away. But pretty much everybody else hates us.”

Miller is sympathetic.

“I have high regards for their mission,” he said. “There may not be a lot of intrinsic rewards to the job. The public’s view of the criminal defense bar may not be great, and it’s probably not going to be found at the