

# ORLANDO'S

# MOST FLAMBOYANT

# ATTORNEYS



Edward Kirkland



William Vose



J. Russell Hornsby



Michael Sigman

Article by Mary Heffron

Call it flamboyance and you'll get a stern lecture that flamboyance is not, indeed, what it is all about.

Call it colorfulness and, again, they'll say you haven't got the whole picture.

But it doesn't matter what they (in that elite who represent we the people before the judges and juries of our lives, liberty and property) call the way in which they represent us.

When it comes down to the closing argument, they will not deny that their own personalities, their styles, their manners and their fooks have a lot to do with our verdicts.

Any lawyer from Arnold Aach to Philip Zyne will tell you there's no such thing as Perry Mason. That kind of stuff (dramatics? showmanship?), they say, just doesn't happen in the real world.

Except . . .

Except for the lawyer who lay on the floor of an Orange County courtroom and wiggled out of an imaginary pair of bikini underpants to prove his client couldn't have committed rape.

And except for the defense lawyer who threw a chair across a courtroom at a prosecutor — and subsequently became namesake of an unofficial award given to assistant state attorneys who have to tangle with him.

And except for the prosecutor who stopped in the middle of a pretrial hearing to read a defense attorney his rights to remain silent and to have a lawyer present during questioning. The advise-

ment came after the attorney referred to what the prosecutor said was an illegally wiretapped conversation.

Those examples, the lawyers will say, are exactly what it's not all about. To be sure, they are (as one of them put it in his best don't-you-understand-anything-at-all tone) "quote, flamboyant, unquote."

But in fact, trial lawyers seem to have a kind of ambivalence about the drama of the courtroom — or at least about the drama that they bring to it.

"I think we are blessed in Orange County with sort of an absence of that kind of activity," says State Attorney Robert Eagan. "It connotes in my mind an attempt by rhetoric and action to help create something that the evidence doesn't show, or suppress something that the evidence does show."

On the other hand, Eagan allows, "some lawyers are too subdued. If they get up there and talk like Jimmy Carter used to talk, they're not going to impress on the jury the points of the case."

The trick, he says, is to be "forceful short of phoniness."

Orange County Circuit Judge Frank N. Kaney, who told about defense attorney Norris D. Woolfork's "bikini gyrations," says such antics do not bother him as a judge "as long as it's in good taste."

Winter Park attorney Russell Troutman, himself mentioned as one of the more colorful in the area, says colorful lawyers are "uninhibited in presenting their own

personality — they don't take a safe approach by being nondescript."

And, he says, "these lawyers have very strong, distinct personalities and characters that separate them from a person who has a structured form." But applying the word "flamboyant" to that style bothers Troutman.

Flamboyance, colorfulness, forcefulness — whatever you call it, who are the trial lawyers who have it?

Judges, court observers and the lawyers themselves honed in on 20 Orlando area attorneys during a week of questioning by a reporter.

The verdict was far from unanimous — the courthouse sampling, as might be expected, mostly turned up names of criminal trial lawyers whose eyes lend themselves to drama.

But the final decision rests with three defense attorneys and one prosecutor:

### Sigman the Actor

Michael Sigman has been on the stage, both in college and professionally, and people who have watched him in the courtroom say it shows.

Sigman's closing arguments — replete with philosophy, history and a goodly dose of that old-time religion — are legendary.

"His closing always starts off, 'This case doesn't have a reasonable doubt. This case has five reasonable doubts,'" an Orange County circuit judge says.

"I've seen him bring tears to his eyes in a closing argument" for a client accused of stealing a car, says Assistant State Attorney F. Wesley Blankner.

Sigman considers the trial an art form that transcends any talk about flamboyance or color. In fact, he says, so-called color can be harmful: "A lawyer must keep a low enough profile so that it's not he that he is selling but his client's cause."

With his theater training, though, Sigman would be the last to say that the facts, ma'am, just the facts, are all that win in the courtroom.

Like good literature or music or drama, Sigman says, a good trial must have "a good script, good characters, pace, timing, jampo, chemistry."

Sigman gets jurors involved in his cases by suggesting to them, subtly, quietly, the holes in the prosecution case and by reminding them, obliquely, of their stake in the justice system.

"Everyone who has walked the face of the Earth shares some common experience," he says. "The defense lawyer must bring that juror's attention to the common experience. There are crimes of which every one of us is capable."

"All lawyers read the same books, go to the same seminars. . . he says. "That's three quarters of it. The other quarter is what we are talking about — the psychology of a jury trial."

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# Attorneys

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"We have to make the juror come to grips with the problem, come to grips with the fact that we are dealing with another human being... come to grips with himself."

## Hornsby the Bombardier

J. Russell Hornsby is, by anybody's definition, a colorful lawyer.

"Russell is a dramatist," Egan says. "He argues long and loud. He raises objections in an indignant, incensed manner. Russell can sneak up on you and bite you."

Hornsby's courtroom manner ranges between that of a Southern gentleman of the old school and that of an avenging angel who will shred to smithereens any witness who dares to say things that hurt his client.

In a recent burglary and assault trial involving child visitation rights, Hornsby began questioning the victim's wife by removing his half-moon glasses, smiling, putting her at ease: "Good afternoon, ma'am."

Less than half an hour later — after he had skirted prosecution objections to his delving into the woman's previous marriages by raising a more questionable area, the "other men in your life" — the witness breathed a weary "Thank you, judge" when Hornsby's questioning was curtailed.

A day later, Hornsby's client was acquitted.

Besides his bombastic technique, Hornsby is noted for his malapropisms. The anecdotes among Orange County courthouse observers about "Russellisms" are legion.

There was the time, one story goes, when Hornsby was representing the wife in the financial settlement of a divorce case. When the woman had finished testifying about her money needs, Hornsby reminded her to "tell the judge about your debentures." The woman looked puzzled, and he added, "You know, your debentures — your teeth."

Another time, it's said that Hornsby ponderously announced to the court to call his next witness "to the phone." Hornsby confirmed the "phone" call and says he doesn't remember the debenture incident.

But he sternly notes that "I never joke in court." Trials, he says, are too serious for the client, and a jury is apt to resent a flippant attitude.

Hornsby says his strategy is to immerse himself in the facts, not to go for sympathy ("that can backfire") or try to murder witnesses with words.

"What you do is you put all the facts together and present them in the most intelligent, down-to-earth manner to the jury — like a good football team."

But, he adds, "the manner of presenting your case is extremely important... Once you know the subject matter, it is going to be like a movie. It can be a class AA or a D."

## Vose the Vigorous

William C. Vose, assistant state attorney and former cop, is passionately committed to prosecution, even though he feels that sometimes can typecast him as a technician in a world of actors.

"The whole system is made for defense attorneys that are more vociferous and outgoing and flamboyant," he says. "Prosecutors can't be flamboyant. The state's job is to do justice, not just to win."

But with the next breath, he adds, "I've found that every time I have tears in my eyes at my closing, I've won the case."

Vose has been known to toss evidence against the wall in disgust and, on one occasion, to hand a gun to a defendant and make him show how he used it. He says he saves most of his "color" for the crucial hearings that take place before the trial — the hearings that can decide what evidence will be heard by the jury.

It was in one such hearing that he began reading "Miranda rights" to a defense attorney who Vose says alluded to doing something illegal. "I left then," said another defense lawyer who was watching. "I didn't want to be a witness."

"Bill does tend to get a little carried away sometimes," says Egan, his boss.

Though Vose admits that what he jokingly refers to as the system's stacked deck for the defense is necessary to preserve an accused person's rights, he has "always felt that the state needs a vigorous advocate."

"When we're prosecuting felony cases, we're playing hardball," Vose says. "Trial tactics win a case. Evidence doesn't always."

## Kirkland the Chameleon

There is a characteristic pose that witnesses being questioned by Edward R. Kirkland don't see. That's because he turns his back to the witness stand when he does it — folding his arms, pursing his lips, scrunching his chin down into his lapel.

But though the witnesses don't see it, they undoubtedly feel its effect. When Kirkland turns to the spectators' section of the courtroom and assumes that

stance, he is about to demolish anyone unfortunate enough to be in the witness stand.

"I've heard Ed Kirkland almost climb into a jury box," says one attorney. Kirkland's energetic questioning of witnesses once led a federal judge to ask him to lower it a decibel or so.

"I try to adopt a chameleon syndrome — change colors," Kirkland says of his courtroom manner. "Not to fool (jurors) or persuade them or convince them," but "to persuade the judge."

In playing to the jurors, lawyers sometimes forget "the awesome power of the judge," Kirkland says.

"If I'm making a point before the jury witness-wise, and the judge is back there filing his nails or going to sleep, well, then the jury goes to sleep."

It is at that point that Kirkland throws himself more deeply into the fray, he says, "because to me winning is the game. There's no losing in the law. As long as you're ethical, there's no holds barred."

Assistant state attorneys periodically give one another an "Ed Kirkland award" for valor in tangling with the namesake, who reportedly has the habit of wishing prosecutors a good night's sleep after they have the audacity to oppose justice, in the form of acquittal for his client.

"It's a gut-fighting, hard game and I guarantee you I'm looking over my shoulder every minute of the day in court," Kirkland says.

What Kirkland calls his "short fuse" resulted in a rebuke from Circuit Judge B.C. Muszynski after a 1975 murder trial in which, according to then-prosecutor Willie G. May, Kirkland "sort of slung a chair in my direction."

Muszynski ordered Kirkland to write letters of apology to Circuit Judge Maurice M. Paul, May, and each juror, alternate, clerk and bailiff in the courtroom.

"I didn't try to shove the chair," Kirkland explains. "I was pushing it aside to get to him."

"I think you've got to have a short fuse to be a trial lawyer, you can't be calm," Kirkland says. "I probably wouldn't throw another chair; I learned my lesson."

"I might throw a table..."

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