

Judd Burstein: The Lawyer of the Moment

By Thomas Hauser, SecondsOut.com

Bernard Hopkins thought his next fight would be an easy one: August 17th against Morrade Hakkar. Now that bout has fallen through and the schedule looks a lot tougher. On November 4th, "The Executioner" is slated to face off against Lou DiBella in federal court. And when that battle takes place, Judd Burstein will be in DiBella's corner.

Burstein, age 48, was born and raised on Long Island. His father was a successful attorney, best known as a management-side labor lawyer but with a wide range of legal interests. "He was also an insane workaholic," Burstein recalls, "and worked seven days a week his entire adult life." Burstein's mother raised six children and somehow found the time to become a New York State Supreme Court judge.

In high school, Burstein was an indifferent student. He spent two years in college at Antioch before transferring to Brandeis and graduating summa cum laude in 1975. After that, he went to graduate school at McGill, where he got a masters degree and taught philosophy for two years. Then he got bored and enrolled in law school at NYU. "I hated law school with a passion," he remembers. "And I was a streaky student. If I was interested in a subject, I got an 'A'. Otherwise, I'd get a 'C' in it."

The subject that most interested Burstein was criminal law. After graduating from NYU in 1981, he went to work for Gerald Shargel (a noted criminal defense lawyer, whose client roster was studded with members of organized crime families). While with Shargel, Burstein represented the likes of Tony Provenzano and Roy DiMeo. The DiMeo representation ended when the body of Burstein's client was found in the trunk of a car. In January 1984, Burstein became Shargel's partner. "But I was starting to get very uncomfortable," he acknowledges. "I was making a lot of money, but I wasn't where I wanted to be in life. So I left Gerry to set up my own practice and, at the same time, became counsel to another small firm. My practice was heavily weighted toward criminal appeals. And the truth is, I got a lot of appellate work from the world of organized crime. But it didn't pose the same moral questions as trial work because I was dealing almost exclusively with legal principles on appeal."

"Then," Burstein continues, "I met Jay Goldberg, who later became counsel for Donald Trump. At the time, Jay was representing a lot of Mafia types, and I got more business from Jay. Also, around that time, the federal government started bringing large civil racketeering lawsuits against organized crime and unions. And while I knew nothing about civil procedure, I knew everything about the racketeering statutes, so I started doing a fair amount of civil litigation."

1990 marked a turning point in Burstein's professional life. He was having what he describes as "a torrid affair" with a lawyer who was prosecuting organized crime cases for the United States Attorney's office in the Southern District of New York. Then, by his recollection, "One of my clients came to me and said that John Gotti was displeased; that either I end the romance or I'd be banned from representing organized crime clients. It's the only time I was ever afraid as a result of the OC connection. So I took a walk. The romance ended soon after that, but I never told them. I had soured on criminal law. I don't knock anybody who does it. I have clear perceptions about what it means to be a lawyer and the requirement that the state prove its case beyond a reasonable doubt lest an innocent person go to jail. And I believe that the legal principles, the institutional values involved in criminal cases, are more important than the outcome of any one individual case. But it would make me uncomfortable to handle organized crime cases now. And I couldn't represent my other clients properly if I did because, when I went into court for them, fairly or unfairly I'd have the label of being a mob lawyer attached to me."

Burstein got into boxing not long after he began developing a commercial practice. "Jay Goldberg hooked me up with Rock Newman in a dispute between Riddick Bowe and Evander Holyfield," he remembers. "And the result was a stunning loss."

But then Burstein did battle with Don King in separate cases on behalf of Terry Norris and Frans Botha. Bob Arum encouraged Julio Cesar Chavez to hire Burstein in litigation against King so he could proceed with the second fight between Chavez and Oscar De La Hoya. And suddenly, Burstein was on a roll.

His biggest break came in December 2000. "A Malaysian woman hired me to put together a Lewis-Tyson fight," he recalls. "She claimed she had \$60,000,000 to split between the two fighters. The idea was for her to pay Lennox \$1,000,000 for a 45-day option and then sign Tyson. I was negotiating with Adrian Ogun and an attorney for Lennox, when it became clear to me that my client wasn't on the level, so I stopped representing her. That and the negotiations preceding my decision must have impressed Adrian because, when Lennox's relationship with Panos Eliades blew up, Adrian and Lennox began casting about for a new lawyer and I was hired."

Thus began a remarkable stretch of legal activity. On April 22, 2001, Lewis lost the heavyweight title when he was knocked out in South Africa by Hasim Rahman. There had been a rematch clause in the fighters' contracts. But rather than live up to it, Rahman bolted from his promoter (Cedric Kushner), signed with Don King, and began planning for a series of matches against opponents other than Lewis. Burstein took the new champion to court and won an injunction forbidding Rahman to fight anyone before Lewis had his rematch, which Lennox won in November 2001.

Then, in February 2002, Burstein won a \$7,400,000 federal-court judgment for Lewis against Panos for racketeering and fraud. In December, he's scheduled to represent Lennox again in federal court; this time against Milt Chwasky (Lewis's former attorney) in a lawsuit that alleges negligence and breach of fiduciary duty.

"Milt Chwasky is exactly what's wrong with boxing," Burstein says, offering a preview of his case. "Milt was paid \$1,600,000 in legal fees, directly and indirectly by Lennox. And then he looked the other way when bad things started happening because he had embraced every conflict imaginable. I know boxing is an incestuous sport. But there's no way that a lawyer should represent a fighter and his promoter at the same time on transactional work. And when Lennox fought Zelko Mavrovic at Foxwoods, Milt represented the venue too." Chwasky vigorously denies that he acted improperly and has termed the accusations against him "a crock of shit." Time will tell.

In the courtroom, Burstein radiates energy, focus, and brilliance. There's also an aura of confidence about him, like a fighter who knows he's good. "I think I have another five years of trying cases before I get to be as good as I can be," he says. "A lawyer's skill is based on talent and experience. I expect those two things to peak for me when I'm in my early fifties. That's when I should be at my best."

Burstein has no partners. His office staff consists of five associate lawyers and five administrative personnel. "Litigation requires a certain degree of applying pressure and being relentless," he says. "There are times when a large firm on the other side might try to bury me with motion papers or documents. But I have affiliations with other firms that enable me to bring in more support if necessary." Then, continuing on his subject, Burstein acknowledges, "In many respects, litigation is like war. And I model myself more on Ulysses Grant than on George McClellan. McClellan was paralyzed at the thought of taking action. Grant was more of a risk-taker and seized the moment in battle."

As for fees, Burstein's time is billed at rates as high as \$600 an hour. "But I do a lot of partial contingency work," he elaborates. "If it's a case I like, I'm happy to bet on my talents." And right now, Burstein likes boxing cases. "I loved the sport from the moment I got involved," he says. "In fact, that was the only time in my career that I made a real effort to cultivate business. Any time you get together large amounts of money and uneducated minority athletes, you have a breeding ground for exploitation and corruption. Golf and tennis have a totally different social demographic. The team sports have unions. But the stuff that goes on in boxing is mind-boggling to me. Look at the way Don King exploits fighters. Look at what's happening to Manny Pacquiao. Most fighters are treated like indentured servants. And when someone like Lou DiBella comes along and tries to do right by the fighters, the resistance to him is extraordinary. The exploitation of fighters angers me, and I think I can make a difference."