

Litigator of the Week: Richard Marmaro of Skadden, Arps, Slate, Meagher & Flom

By Andrew Longstreth

As it turns out, if federal district court judge Cormac Carney hadn't dismissed the criminal case against former Broadcom CFO William Ruehle—as he did in dramatic fashion Tuesday—the jury would have done it for him. Richard Marmaro of Skadden, Arps, Slate, Meagher & Flom, Ruehle's lawyer, told us that on Thursday morning, Judge Carney brought the jury back to the courtroom to let them know what happened. (Judge Carney had scheduled closing arguments to begin Thursday.) According to Marmaro, the jurors were elated by the news and were unanimously in favor of acquitting Ruehle.

"All the jurors came out and hugged my client and hugged me," said Marmaro. "It was just really emotional."

Marmaro, who spoke to us from the airport Thursday, said he's taking a couple weeks off. But before he hopped on his plane, we asked him to reflect on the meaning of Judge Carney's decision to grant immunity to Broadcom cofounder Henry Samueli and to former general counsel David Dull, who both indicated they

would have taken the Fifth Amendment if called to testify. To us, it looked like a key turning point. Marmaro agreed.

"We thought we were ahead, but that obviously put the case over the top," said Marmaro.

Marmaro explained that there were risks involved in asking for the immunity. The Skadden partner had not been able to speak to Dull or Samueli, so he didn't know what they would say on the stand. But he had faith that the truth would come out. He praised Judge Carney for seeing it that way too.

"It took a lot courage for the judge to do that," he said. "It's extraordinary for a judge to grant defense witness immunity. But this judge wanted to hear the whole story. Ironically, it was the government that was preventing that from happening by opposing the motion for defense witness immunity."

