

Putting the Screws To Police Brutality; Pr. George's Lawyer Racks Up Wins

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Julius LaRosa Booker was allegedly smoking crack inside a stolen van with a prostitute. Robert Zimmerman and Michael Andre Simms were charged with stealing a refrigerator from a house. Anthony Casella was convicted of helping to pull off an armed robbery of a pizza shop. Timothy S. Traynor was arrested on a warrant charging him with breaking and entering.

All of them sued the Prince George's County Police Department, alleging that officers released police dogs on them without justification. Some said officers beat them for no reason. And in all the cases -- with the plaintiffs represented by attorney Terrell N. Roberts III -- the county wound up paying five- and six-figure settlements or jury awards.

In Booker's case, the exact figure was sealed as part of a settlement, but people familiar with the agreement said the county paid tens of thousands of dollars to end the lawsuit. The settlement figure in Casella's suit was in the low six figures, people familiar with the case said. A jury ordered the county to pay Zimmerman and Simms more than \$3 million, though a judge later reduced the figure to \$248,000. A federal jury awarded Traynor \$16,500.

In the past five years, Roberts has emerged as the most prominent civil attorney on behalf of alleged victims of Prince George's County police misconduct. With his associate, Christopher A. Griffiths, Roberts has racked up about \$6.5 million in civil jury awards and settlements on behalf of clients who sued Prince George's police for brutality and other types of misconduct.

His successes have made him a focus of both praise and criticism.

"If more attorneys stood up like Terry Roberts, we'd have less police brutality," said Redmond Barnes, a member of the People's Coalition for Police Accountability. Traynor, one of his clients, said Roberts "is the thin blue line protecting people in Prince George's from police brutality."

But a defendant in one of Roberts's cases, Officer Edward S. Finn, said he and other officers worry that at a critical moment, they may hesitate to use force to protect themselves for fear of being sued.

"He gets to sit back and Monday-morning quarterback and pass judgment on these situations," Finn said. "We hate him. He makes a mockery of the police department every chance he gets."

Finn was one of seven officers sued by the family of a man who died in police custody in September 2000, in a lawsuit handled by Roberts. The Maryland medical examiner's office found that Elmer Clayton Newman Jr. had two broken neck bones and ruled the death a homicide. Police said Newman inflicted the injuries on himself in a holding cell.

The county settled the lawsuit for a six-figure sum.

"I was livid," Finn said. "I wanted it to go to trial. I did not want Roberts to get a . . . dime. He's motivated by money. How he can live with himself is beyond me."

Roberts, 54, who has a modest office in Riverdale, said he didn't begin his career intending to specialize in police misconduct lawsuits.

"I'm a lawyer, and these are the cases that have come my way," he said. "There are a number of lawyers not willing to do these kinds of cases. . . . I'm the last stop. By the time people who say they've been mistreated by police get to me, a lot of times they've seen other lawyers who wouldn't take their case."

Roberts, who received his law degree from Catholic University's Columbus School of Law in 1977, began representing clients who sued county police in the late 1980s. For about a decade, he had sporadic success, including a \$15,000 federal jury award for two men who said they had been beaten by county police wielding leather-covered blackjacks.

He attributes his success in recent years to increased public awareness of malfeasance by the Prince George's police

force. The department is the focus of a long-running FBI investigation into allegations of systemic civil rights violations.

"Jurors are now more sophisticated than they used to be," Roberts said. "They realize that officers may not be telling the truth about an incident."

While some police officers dislike Roberts, county attorneys who defend the officers say they respect him.

"Terry's a bulldog," said Associate County Attorney William A. Snoddy, a frequent courtroom adversary. "When Terry believes in an issue, he'll pursue it to the end. He doesn't leave any stone unturned. He doesn't give up."

Like most civil attorneys, Roberts and his firm typically keep one-third of any jury verdict or settlement. In federal court, he can file for attorneys' fees.

Some of Roberts's larger jury awards were reduced by judges. For instance, Circuit Judge Maureen Lamasney last fall reduced the \$3 million jury verdict for Zimmerman and Simms to \$248,000. Taking that reduction and others into account, the county has had to pay about \$3 million in jury verdicts and settlements to Roberts's clients, most in the past four years.

Some of the cases dragged on for years. For example, in 1995, an unarmed man, Jeffrey C. Gilbert, was severely beaten by a team of Prince George's SWAT officers who suspected him of killing a fellow officer. Evidence soon surfaced implicating another man in the killing, and charges against Gilbert were dropped.

In 1996, Roberts filed a lawsuit in federal court alleging that police had violated Gilbert's civil rights. The case dragged on until July 2001, when the county settled it for more than \$1 million.

During the first few years of the Gilbert case, Roberts and Griffiths worked on little else and generated scant income. Roberts said the firm borrowed thousands of dollars to pay expenses.

The jury awards and settlements of recent years have put the firm on a solid footing but have not made him personally wealthy, Roberts said. "The money we win goes back into the firm. It's not like it all goes into my pocket," he said.

For every client he accepts, Roberts said, he turns away 15 to 20 people who allege that they have been mistreated by police. Roberts said he believes many of these people's rights were violated. But he said he declines to take cases if he thinks he will not be able to persuade a jury to that police acted improperly.

Roberts said he reminds his clients repeatedly: Tell the truth.

"To win these cases, your case has to be one hundred percent honest," Roberts said. "If your client is caught in a lie, chances are you'll lose. I don't take any cases where I have doubts about my client."

By his own admission, Roberts is not particularly charismatic before a jury. He said he relies on facts, not rhetoric.

In March, Roberts delivered his closing argument on behalf of Leslie Moore, a young man who alleged that a county police officer had hit him on the head with a police baton without justification. Roberts paused and apologized to the Circuit Court jury.

"I know I'm not the most interesting speaker," Roberts said.

The jury eventually awarded Moore \$248,000.

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