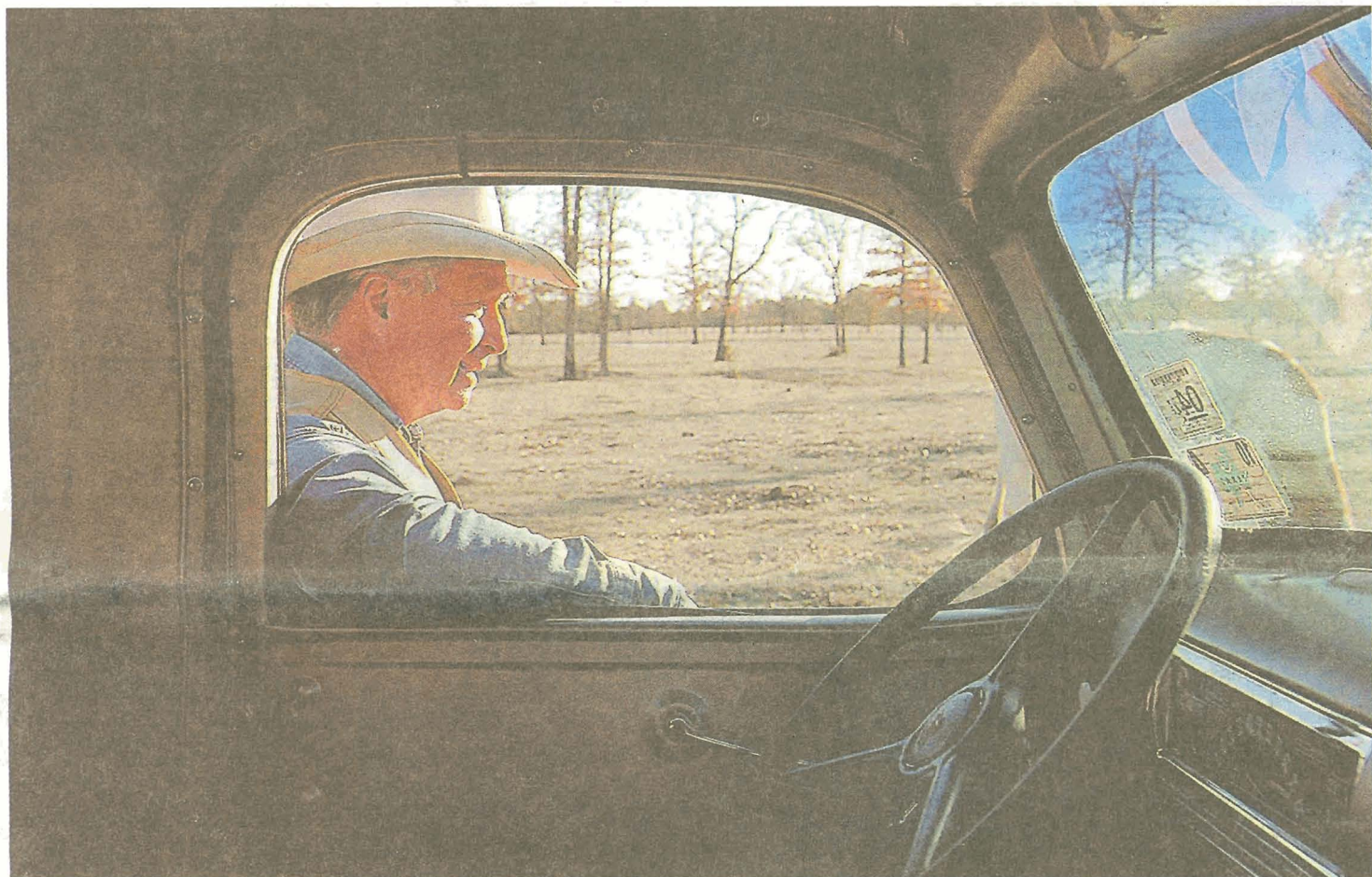


Counsel to the high-profile



Laura Skelding AMERICAN-STATESMAN

Houston lawyer Dick DeGuerin does more than defend A-list clients such as Tom DeLay. For a break, he spends time on a 100-acre spread not far from Austin that he calls his ranch with 'horses, longhorns and fire ants.'

LAW & DRAMA

With showmanship, relentless drive, DeLay defender collects wins

By Laylan Copelin

AMERICAN-STATESMAN STAFF

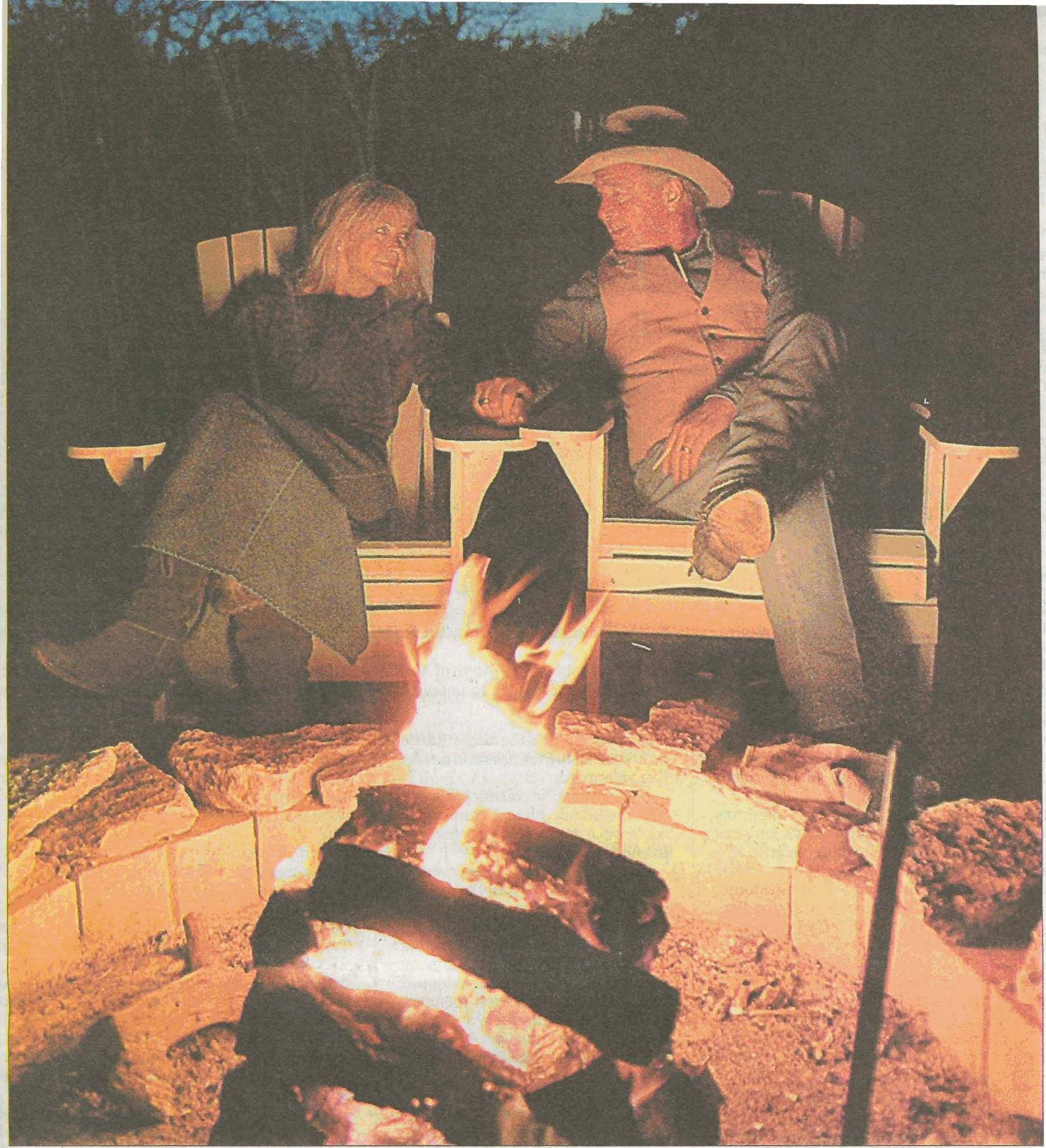
He's The Hammer's hammer. In his conservative business suit, cowboy boots stenciled with his initials and a Stetson Open Road cowboy hat, the 5-foot-9-inch Dick DeGuerin doesn't cut an imposing figure. And don't call him flamboyant — he hates that stereotype for criminal defense lawyers — despite his riding-roping-flying lifestyle.

What is imposing is his bur-nished reputation as one of Texas' best criminal defense lawyers and his A-list clients whose trials become Page One news or made-for-TV movies.

DeGuerin, who is defending U.S. Rep. Tom DeLay, R-Sugar Land, against money-laundering charges stemming from the 2002 elections, counseled Branch Davidian cult leader David Koresh before his fiery showdown with the FBI. He got an acquittal for U.S. Sen. Kay Bailey Hutchison on misuse-of-office charges. And he successfully argued to a jury that Robert Durst, the cross-dressing Galveston millionaire, was acting in self-defense when he killed his neighbor before dis-membering the body and dumping it into Galveston Bay.

DeLay, nicknamed The

See **DRAMA**, A13



Laura Skelding AMERICAN-STATESMAN

Dick DeGuerin and his wife, Jane, at their weekend getaway in Burton, were married in 1986. They have four children between them and two

grandsons. DeGuerin, who grew up in Austin, inherited his cowboy interest from his mother, who was part of a South Texas ranch family.

Hammer for the unrelenting pressure he puts on his political enemies, has found in the Houston lawyer his legal equivalent: a dogged defender whose attention to detail, way with jurors and overall courtroom skills won him the State Bar of Texas' Outstanding Criminal Defense Lawyer award in 1994.

More telling, his Houston peers that same year chose him in a newspaper poll as the lawyer they would hire if they were in trouble.

He's not infallible. In 2003, an Austin jury sentenced one of his clients, Celeste Beard Johnson, to life in prison for having her husband shot as he slept in their West Lake Hills home.

At 64, DeGuerin, who jogs three miles daily when he's not running the steps at Rice University's football stadium, has not lost a step. He's as dogged as ever, whether he's defending a man accused of dismembering his neighbor or dismantling his political opposition.

"I feel the client is right when they walk through the door," DeGuerin said.

Last fall, DeLay was indicted on two felony charges that he conspired to violate the state election code and launder corporate money into campaign donations to Republican candidates for the 2002 elections. Since he took over the case, DeGuerin, a longtime Democrat, has gotten one charge dismissed, has had a trial judge replaced, has accused prosecutors of misconduct and is preparing to argue that DeLay, the bane of Democrats, can't get a fair trial in liberal Austin.

On Wednesday, DeGuerin squares off in the 3rd Court of Appeals against Travis County prosecutors who are trying to get the dismissed indictment brought back.

If the prosecutors haven't already figured out DeGuerin's style, Harris County District Attorney Chuck Rosenthal has one piece of advice for them: "Be sure and be prepared for everything."

Especially a grueling fight — but within the rules. The State Bar showed no disciplinary actions against DeGuerin.

But that doesn't mean DeGuerin, who is charming and witty outside the courtroom, hasn't rubbed some prosecutors the wrong way with his bulldog style and media savvy.

Most prosecutors whom DeGuerin has faced — and usually defeated — didn't return phone calls for comment about their adversary.

Steve McCleery, the Travis County prosecutor in the Hutchison case, said, "His best skills are self-promotion and showmanship."

showmanship."

William P. Allison, a University of Texas criminal law professor and former defense lawyer, said any animosity toward DeGuerin is understandable — and attractive to defendants.

"He's out of the 'ride 'em hard and show no mercy' school of defense," Allison said. "When the kingpins (clients) come to him, they know it's a fight to the finish."

Taught by the master

DeGuerin grew up in Austin's Bryker Woods neighborhood, attending public schools here, the University of Texas and its Law School.

His father, Mack, an oil and gas lawyer, was politically connected. He was a friend and aide to Lyndon Johnson in the 1940s and also worked in the state attorney general's office.

DeGuerin came to his cowboy fascination naturally. His mother, Marguerite, was from a South Texas ranching family, and the young DeGuerin spent summers working on an uncle's ranch.

DeGuerin's younger brother, Mike, is also a noted Houston defense lawyer.

DeGuerin admits spending more time in his youth chasing girls and drinking beer than studying.

In college, an inebriated DeGuerin was arrested for approaching Gov. Price Daniel's float to offer him a beer.

That youthful mistake short-circuited his application to the FBI, but DeGuerin got a job as a prosecutor in Houston. After three years, DeGuerin joined a high-dollar firm defending insurance companies against individuals, mostly in workers' compensation cases.

He hated it. He was bored. Then fate intervened.

A friend of DeGuerin's, another lawyer, drafted him to

help defend him from a charge of illegally selling machine guns.

The lead defense lawyer was Percy Foreman, the state's greatest criminal defense lawyer of his generation, whose clients included Jack Ruby and James Earl Ray. Foreman was so impressed with DeGuerin that he offered him a job in the middle of the trial.

DeGuerin never looked back. He learned from the master for 11 years until he left in 1982 to make a name — and more money — for himself.

DeGuerin's hard work affords him a nice lifestyle.

He lives near Rice University and owns a weekend getaway — 100 acres at tiny Burton, about 70 miles east of Austin near Brenham — that he calls his ranch with "horses, longhorns and fire ants." He moved in an old train depot for the main house.

He and his third wife, Jane, have been married since 1986. They have four children between them and two grandsons.

The couple take longer breaks at Marfa in the Big Bend area. They have expanded an old adobe house there but are looking for a ranch in the area.

DeGuerin also says he likes to "play cowboy" by going on roundups at a Panhandle ranch each spring.

He stitches together his far-flung legal practice and lifestyle by piloting his Cessna.

Sharing his skills

Each fall, DeGuerin teaches a course in advanced criminal defense at the University of



Ricardo B. Brazzell AMERICAN-STATESMAN

Dick DeGuerin is used to being in the media spotlight. He has defended millionaire Robert Durst and U.S. Sen. Kay Bailey Hutchison. Most recently he has gotten attention for his work for U.S. Rep. Tom DeLay.

Texas School of Law.

He mostly teaches from his own cases.

Last December, DeGuerin, lecturing to his UT class, replayed a 911 tape of a client, a young Thai man living in Houston, who admitted in the recording to shooting four unarmed people.

DeGuerin's successful defense of the man in 1999 demonstrates two of his qualities: attention to detail and a sense of dramatic flair.

While the defendant admits

shooting the people, his comments to his father, uttered as an aside in Thai, were also caught on tape.

DeGuerin had them translated because the comment that the young man feared for his life buttressed the defense.

DeGuerin re-created the story from his client's perspective: A gang leader came to his door in the early morning hours demanding that he answer for comments he had made about the gang leader's girlfriend. There had been trouble before

between the gang and the defendant's brother. So the defendant grabbed his gun and chased the gang leader back to a car where three others waited. He emptied his gun into all four, thinking they were armed.

Rosenthal assisted the prosecution in that case.

"I still believe the jury made a mistake," he said of the acquittal.

But he also recalled DeGuerin bringing the defendant's aluminum front door — frame and all — to court.

DeGuerin the showman banged loudly on the door to begin his opening statement.

"Re-create the fear for the jury," DeGuerin urged his students.

Playing it straight

DeGuerin prides himself on not being buddy-buddy with prosecutors and judges and is dismissive of colleagues who are.

"They go to court in the morning and play golf (together) in the afternoon," he said. "I never tried to get along on connections."

He also can be choosy about clients.

DeGuerin has vigorously defended a client accused of dismembering a body to hide a murder. He considers some of his drug dealer clients "people of honor."

And DeGuerin, who is supporting independent Kinky Friedman for governor, vigorously defends DeLay, the Republican whom most Texas Democrats seem to dislike the most.

Yet he draws a line: "I don't represent snitches."

He had successfully defended Steven M. Kalish, a noted drug smuggler, in the past. But when Kalish decided that testifying against Panamanian dictator Manuel Noriega in the early 1990s was his best option for beating a new federal charge, DeGuerin withdrew from the case and found him a lawyer to handle the negotiations.

Allison, the UT professor, suggested that is a business decision as much as a moral one.

DeGuerin seems to agree. "When you get a reputation as a snitch lawyer," DeGuerin said, "you don't get the big cases."

'He's out of the 'ride 'em hard and show no mercy' school of defense. When the kingpins (clients) come to him, they know it's a fight to the finish.'

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