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## Private attorneys in the service of the state

By Eran Yashiv

When the televised verdict in the trial of O.J. Simpson was handed down live on October 3, 1995, it was reported that then U.S. president Bill Clinton walked out of his office with a grim expression on his face. With good reason. It was clear to him that the American justice system and the public prosecution had suffered a defeat that was liable to have far-reaching consequences.

This case is perhaps the best-known example in recent decades of experienced and expensive private lawyers "defeating" a mediocre and even hapless public prosecution. The fact that money buys good defense has become well-known in both criminal cases and those involving financial violations.

The broader context is that the qualifications of the manpower at the government's disposal do not equal those of the top people in a given profession outside of government, whom the market compensates generously.

Similar feelings arise from the developments in the trial of Moshe Katsav: Expensive private attorneys succeeded in bringing the defendant to extensive hearing proceedings, then to a plea bargain that minimized the charges, and finally to the cancellation of the plea bargain.

Uzi Benziman (Haaretz, April 9) well described how the prosecution booby-trapped itself when defending the plea bargain. If we add to this the zigzags in the claims and statements of Attorney General Menachem Mazuz at the various press conferences he has held during the course of the affair, it is clear that the public interest for which the prosecutor's office is responsible is coming out the loser.

Katsav's case is important in many respects. The two most important are: the signal that it is sending to many women, and its significance for the country with regard to the conduct of its leaders. Much has been said about these issues. Therefore I will note only that in connection with the second issue, it is becoming clearer and clearer that a country whose leaders cheat, lie and perhaps even rape has a problem. The problem is one of morality and values and also a practical problem, as has been proved by countries in South America, Africa and East Asia.

Corruption in government deters everyone: States, commercial firms and individuals reduce their connections with such a country in terms of their visits, investments, trade and much more. The citizens' identification with their own country is also damaged and their willingness to act for the sake of the collective declines.

A solution exists for this issue in the context of trials of public figures. Against the battery of lawyers hired by the accused, the state will wield a battery of its own, consisting of private attorneys. They will be paid their usual rate of compensation - that is to say, high legal fees. Such lawyers, with their vast experience, comprehensive knowledge and the resources at their disposal, can lead to a strong prosecution.

Israeli society will benefit from such an investment of the taxpayers' money: Increasing the chances of convicting public figures will reduce the extent of acts of corruption and crime. It will also expel these figures at long last from the public arena, also a move for the good.

An immediate increase in the hiring of excellent professionals will pay off in the future. It might also cause public figures facing charges in the future to give careful consideration as to whether to engage top lawyers, or to remain silent during police questioning for years, or to change their minds about plea bargains. The dignity and standing of the state, and the interests of the general public it is supposed to represent, will be preserved and, over time, strengthened. In the current, specific case, Mazuz would do well to extricate himself from the impossible position he is in, and hire top lawyers to represent the prosecution.

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