

## James Lesar: Still in Ray's Corner

By DAVID SEGAL  
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James Lesar

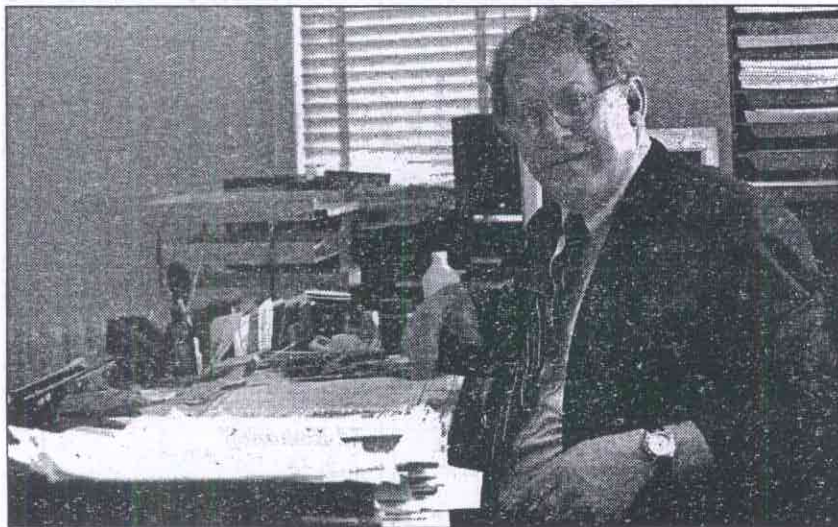
Washington attorney James Lesar was both delighted and dubious last week when he learned the Justice Department would reopen its investigation of the Rev. Martin Luther King Jr.'s assassination.

The delight isn't hard to explain. In 1970, barely a year after graduating from law school, Lesar moved to Washington and began representing James Earl Ray, the man who had pleaded guilty to killing King in Memphis in 1968. For five years, Lesar tried and failed to get Ray a trial, arguing in a variety of courts that his client was innocent, a patsy set up by a shadowy, deep-pocketed conspiracy.

So Lesar, 58, is pleased that Ray, who died in April, stands some slender chance of being cleared of the crime. But he's certain the government will bungle the probe by failing to ask the right questions and casting too narrow a net.

"I'm a bit cynical about Justice Department investigations and I'm unhappy that the investigation is so limited," he said. "This lays open the possibility that we'll once again have a situation where there is clear evidence of a conspiracy but the establishment refuses to deal with the hard evidence."

Never mind that countless experts and authors have consistently fingered Ray as King's killer and dismissed more baroque theories about



BY TOM ALLEN—THE WASHINGTON POST

"I like beating up on the government," says attorney James Lesar.

the shooting. Skepticism has been Lesar's calling card for years in a solo practice that is one of Washington's most unusual—not to mention frustrating.

These days he spends most of his time suing the CIA and the FBI for

documents on behalf of clients with freedom of information Act requests. Not surprisingly these agencies aren't typically in a sharing mood, so Lesar's cases are usually long, unpaid slogs. Under the FOIA rules, he can't collect until he wins, and then he earns the rates prevailing at the time he performed the work. He might win a case in the 1990s and get paid in 1980s dollars. So even when he scores an elusive victory, inflation takes a giant chomp from the winnings.

Why not trade it all in for a comfy job defending corporations, like everyone else in this city?

"I like beating up on the government," he explained. "And I feel like I'm enriching history." Still, he readily concedes, "all the rules are rigged in the government's favor and to get them to release anything takes unusual persistence and a bit of luck."

An act of Congress can help too. In 1992, lawmakers passed a law requiring the government to make public all of its records relating to the assassination of President John F. Kennedy, unless there was some compelling security concern for hanging on to them. The law increased Lesar's leverage in a pair of his FOIA suits, which had dragged on for 12 years and which subsequently were settled, with the FBI and CIA agreeing to reprocess more than 600,000 records under more liberal disclosure provisions. The JFK Act, as the law is known, has also been a boon to the Assassination Archives and Research Center, a nonprofit Lesar operates from his downtown office.

On the plus side, he certainly doesn't lack for intriguing clients. Right

now he's representing Edward Paisley, the son of John Paisley, a CIA official whose body was found floating near Solomon Islands, Md., in 1978 with a bullet in his head. ("Allegedly found floating," Lesar clarified.) The younger Paisley is about to sue the agency for documents relating to this father.

Lesar also represents Judith Exner, a former mistress of John F. Kennedy, in a liable suit against Random House and author Laurence Leamer for a book titled "The Kennedy Women." In it, according to Lesar, Leamer quotes a man as saying that JFK paid Exner \$200 for sex one night in 1960 in Las Vegas's Sands Hotel.

Although Lesar is endlessly fascinated by the King and Kennedy cases, do not, thank you very much, call him a conspiracy buff.

"That's a pejorative term," he said. "I'm a student of history with a deep interest in cases that involve injustice or concealment of truth."

### **It Takes One to Represent One**

Howrey & Simon has become the first corporate law firm in the country to acknowledge that it is a multimillion-dollar business.

Breaking with the traditional structure, Howrey has hired a chief information officer (Mark L. Linver), a chief financial officer (Barbara Preston) and a chief operating officer (Daniel M. Rouse), all non-lawyers who will work directly with the managing partner and executive committee on strategic and financial planning issues. By giving these hires direct access to top management, Howrey was able to recruit a top-notch team with years of business management experience.

Sound a bit like a regular old corporation? That's the idea, said Ralph Savarese, the firm's longtime managing partner.

"We want to have an organization that can meet the challenge of the marketplace today," Savarese said. "You either grow or die, and this will help the firm grow in a sensible way."

What Howrey is attempting is pretty revolutionary, said law firm consultants, and is likely to spawn imitators. For years, firms have been designed like a formal affiliations of partners, a model that is looking more outdated at a time when national firms generate \$200 million in annual

Howrey & Simon

Ralph Savarese

Robert F. Ruyak

Mark L. Linver

Barbara Preston

Daniel M. Rouse

venue.

"This potentially signals a sea change in the recognition that law firms have become major businesses and are no longer simple partnerships," said Lyles Carr, a consultant with the McCormick Group in Arlington. "Management at most firms hasn't evolved on pace with changes in the industry. In one fell swoop, Howrey has caught up."

The revamping will also help Howrey ease into the post-Savarese era. Managing partner since 1984 and the brains behind the firm's exceptional growth, Savarese will step down from his post in December of next year, handing the job to Robert F. Ruyak. Savarese is hardly surrendering control, however. In another corporation-like move, he will serve as firm chairman and continue many of his senior management responsibilities.

### Another Starr Turn

Some call him a hellbent zealot, others a fearless crusader for truth. But in the world of corporate franchise law, there's only one word these days for independent counsel Kenneth Starr: hero.

That status stems from his recent success defending Meineke Discount Muffler Shops in a complicated dispute with its franchisees. The company had been on the losing end of a \$400 million class-action judgment after franchisees argued that the company had defrauded them of funds earmarked for advertising. It was Starr's job to persuade the 4th U.S. Circuit Court of Appeals that the case should never have proceeded as a class action—which often yields award-inflating punitive damages—and instead should have been treated as a standard breach of contract case. The 4th Circuit agreed in a decision announced Aug. 19 and tossed out the verdict.

Starr took considerable flak for handling the case and for pocketing a \$1 million annual salary from his law firm, the Chicago-based Kirkland & Ellis, even as he was grilling and subpoenaing witnesses in the Whitewater case. Starr has since quit the firm.

But lawyer Thomas W. Queen, who represents franchisers at Wiley, Rein & Fielding, is unbothered by that controversy. Starr's victory, he said, could have an enormous impact on the ongoing balance-of-power struggle between franchisers and franchisees, who for years have been wrangling for the upper hand in an amazing variety of business disputes. The decision, he said, reduces the likelihood that franchisees will try to turn their disputes into tort claims. Without the prospect of treble damages, he said, these cases will lose their jackpot appeal to lawyers, which means franchisees will have a harder time recruiting the same caliber of counsel.

"One of the things that was attracting very capable attorneys to franchisees was the possibility of major recoveries," Queen said. "It's certainly a feather in Starr's cap to have turned that decision around."

Kenneth Starr  
Kirkland & Ellis  
Thomas W. Queen  
Wiley, Rein &  
Fielding