

MVP: Covington's Ben Razi

Law360, Los Angeles (December 18, 2017, 7:59 PM EST) -- Covington & Burling LLP's Ben Razi racked up numerous trial wins across a wide spectrum of legal sectors this year, including a victory against federal attorneys in the Southern District of New York in a rare civil forfeiture case, landing him among Law360's 2017 Trials MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

Razi's biggest win of the year might also have been his most unexpected — convincing a jury that the federal government couldn't use civil forfeiture law to seize 47 luxury cars and more than \$3.5 million from an auto-export business called Efans Trading Corp.

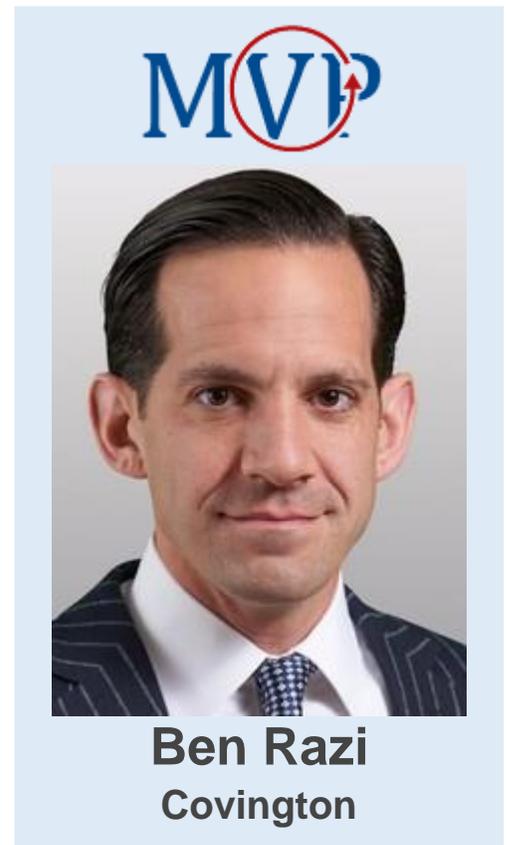
Under civil forfeiture law, the Department of Justice is permitted to seize property based on suspected criminal conduct, even without charging a crime, and property owners face a high burden to reclaim what is theirs — one reason cases like this rarely go to trial.

Razi noted that there hadn't been a civil forfeiture case in the Southern District of New York in 10 years, and he said that the case was even more unique because it seemed as if the government was trying to change its policy through litigation. Razi said automobile exporters like his client had been sending cars overseas for decades with no suggestion from government agencies that it was criminal to do so until just recently.

"Really the government was trying to change its approach to this whole business through litigation, through trial," he said. "It was quite a challenge given our adversary ... but you know we had a lot going for us as well, so it was a lot of fun."

Razi added that he was instantly sympathetic to property owners, like his clients, who are hit with civil forfeiture, and he said that he thought the jury was as well.

"The idea that there were crimes alleged but no one was being charged with crimes, instead the



government was just trying to take their property, there were some furrowed eyebrows about that," he said.

WHY HE'S A TRIAL LAWYER:

Razi said he loves trial work because it's the rare time when a lawyer gets to cut through the assumptions and legal maneuvering that cover so much of litigation and instead focus entirely on "getting the real witnesses up there and getting their real motivations and real positions exposed."

"Lawyers spend a lot of time back at the office packaging up the facts into legal cases," he said. "But when you get to trial you need witnesses, and the real facts will either fit or they won't with those legal theories that have been set up."

Razi noted that lawyers can spend months or years in litigation "fighting with one hand tied behind your back" during motions to dismiss or motions for summary judgment, where litigants are entitled to assumptions that their alleged facts are true or that evidence must be construed in their favor. But at trial, attorneys can directly undermine the other side's version of the facts.

"You can hide behind those presumptions for quite a while during litigation, but at trial it all falls away and in many ways it becomes easier," he said.

HIS ADVICE TO ASPIRING TRIAL LAWYERS:

At a time when trial lawyers often bemoan the declining number of cases that head to a jury trial, Razi said he doesn't think young attorneys need to worry about not being able to get enough trial experience — as long as they're willing to take the initiative.

"You've got to be fearless," he said. "You've got to seek out opportunities to try cases. You've got to have confidence in your own abilities to get results."

Razi said aspiring trial lawyers need to keep an open mind when considering potential cases, which will ensure they have more opportunities to get in court.

"I think while specialization is important, subject matter expertise in particular areas of the law, you need to be willing to stretch yourself, and make trial work itself an expertise," he said.

— *As told to Daniel Siegal*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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