

## You've seen him on television, now see him at work

A typically tome-dry argument before the 4th District Court of Appeal took on some celebrity glitz when Arthur R. Miller of Harvard Law School and TV fame stepped up to the lectern in the West Palm Beach courtroom last week to represent an old friend.

The friend is Leon C. Baker, former counsel to New York powerhouse Skadden, Arps, Slate, Meagher and Flom, now retired and living in Boca Raton. Baker is fighting a \$440,000 judgment against him in connection with some tax shelter advice that didn't fly with the Internal Revenue Service. (Baker denies even taking the phone call in which he allegedly offered the advice).

Panhandle resident J.R. Bennett, who claims to be the unhappy recipient of the tax advice, has been trying to enforce in Palm Beach Circuit Court the judgment he obtained against Baker in Alabama, where Bennett lived at the time.

Judging by all the Alabama courts it passed through, the case was thoroughly litigated, which generally would mean Florida must honor the sister state's judgment. But Baker argues he never got the chance to present his case: Alabama had no jurisdiction over him. Florida can correct this breach of due process, Baker asserts, by hearing him out now.

Before the 4th DCA panel entered the courtroom Nov. 10, the dapper

Miller appeared to do his version of an athlete's warm-up — first pacing the aisle, intently eyeing his notes; then, when he was seated, pressing his fingers to his temple, eyes closed as if in deep meditation.

The panel, Judges Larry Klein, Mark Polen and visiting jurist William C. Owen Jr., doubtless had read

the briefs. One for appellant Baker carried Miller's name, though not as author — that was Kenneth W. Lipman of Boca Raton's Siegel and Lipman — and managed to cite "Federal Practice and Procedure," the law school bible Miller co-authored.

On his feet Miller was prepared, precise and almost as commanding as



Arthur R. Miller,  
Harvard luminary,  
goes to court for  
longtime friend.

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he is giving a lecture or moderating a televised panel discussion. At every opportunity, he repeated like a mantra his argument that his client Baker didn't have "his day in court."

Panel members listened respectfully, even addressing Miller as "professor." (Not that any of the judges had had him as a teacher. Klein and Owen are University of Florida law grads, and Polen got his J.D. from the University of Miami.)

But respect went only so far. Toward the end of Miller's 18 minutes, Klein showed a touch of exasperation with the professor's assertion that the reason Baker hadn't made his argument in the Alabama courts was, "it wasn't plausible" to do so.

"Professor Miller, your client is a lawyer," Klein said. "What precluded him from making an argument, that you say 'wasn't plausible?'"

"The lack of plausibility," came the reply. Miller zoomed ahead, assuring the panel that Baker hadn't flubbed any opportunities. If he had, he'd be subject to this rule: "The law doesn't reward sleeping dogs."

Klein mumbled something in response, two words of which were barely audible. If Miller heard them, he might want to warn his client not to count too heavily on Klein's vote. They were, "drowsy dogs." ■

— Noreen Marcus

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