


BUSTED BY THE FEDS

**DEALING WITH GOBBLEDYGOOK AND OTHER
LESS THAN ACCURATE “LEGAL ADVICE”**

A BRIEF PRIMER ON THE BOOK OF LARRY

- Like Influenza, BUSTED by the FEDS by Larry Fassler has an infection rate that ebbs and flows depending on saturation in a particular community- Here, in our Detention Centers.
 - When infection rate is exacerbated by environmental factors (like re-discovery of the book), BUSTED by the FEDS wreaks havoc to the Attorney-Client relationship as it provides inaccurate, misleading and downright ridiculous suggestions (“legal advice”) that clients believe are productive and ultimately fruitful.
 - Infused with Cut & Paste excerpts of the Guidelines, Statutes and Rules of Evidence/Criminal Procedure, BUSTED by the FEDS cleverly portrays some sense of credibility. After all, it is not hard to cite a USSG or Statutory provision.
 - This seemingly credible game plan for success serves as the genesis of the degeneration of the Attorney-Client relationship. Notably where it aggravates the already sensitive issue of trust.
 - Your obligation to address BUSTED by the FEDS in a manner that will help alleviate the symptoms of BUSTED by the FEDS while a vaccination is still being developed.
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ABOUT THE AUTHOR- LARRY FASSLER

NOT a Lawyer

Charged with Drug Trafficking in Tucson, Arizona

Died in BOP- FCI Fort Worth

LARRY DOES NOT RENDER SAGE ADVICE

- ***“You will learn how to protect yourself against the most common errors made by defendants under pressure from their own attorney.”***
 - Right away tears into the relationship with your client.
 - Suggests some nefarious actions by defense attorney.
- ***“You will learn the basics of plea bargaining in the federal system, and how to tell if a plea offer is truly a good deal.”***
 - Only Larry knows what a good deal is.
 - Sounds like a TV Evangelist from the 80’s- “I personally talk to Jesus....gimme your money.”



LARRY WAS NOT VERY SUCCESSFUL IN HIS LEGAL ENDEAVORS

- Larry was angry.
- BUSTED by the FEDS evidences this inherent anger and distrust/unhappiness with his own situation.
- Remember- Larry passed away while working at his law office (prison).





SPECIAL NOTE

- My sarcasm and terrible attempt at making you laugh about Larry will actually come in handy later on in the presentation.
- Counter-arguments based on common sense, humor etc.
- So don't be offended. Larry does not help you at all.

LET'S TALK ABOUT THE BOOK

- As alluded to earlier, Larry does his darndest to drive a wedge of anger, resentment and distrust into the criminal justice system- and more particularly, your relationship with clients.
- What does Larry's manifesto really say? Quick Answer- A LOT!
- The Four Parts
 - Equal Parts Nonsense
 - Riddled with Wildly Aggressive Strategy & Just Plain Wrong Tactics
 - The Guise of Education

PART 1

- How the federal guidelines work and how *“lawyers, prosecutors, and the police all twist it to their advantage.”*
- Some drug case examples.
- *“...the tricks and lies that defendants are exposed to.”*- This means YOU too.
- You are lying to your clients every day.



PART 1 – CONT'D

- In driving that wedge, Larry wants your client to believe that as legal counsel, YOU will lie, cheat and steal just to get the case over with.
- Wants to lump you in with some sort of club- the Secret Lawyer Club- where you cavort with prosecutors and the police because you despise defendants.
 - Me and Ken Tihen and our secret dinners. (yea- grammar).
- Larry wants to juxtapose positions. Client is now the lawyer. YOU are simply the vessel by which the client's new legal expertise and decision-making navigates their way through a case.
- Threaten Trial- The US Attorney's Office always cowers, thus giving you the "real" deal.

YET MORE OF PART 1

- This is the clever part- Larry actually does a great job of cutting and pasting various USSG provisions-
 - 2D1.1 Drugs
 - 3A1.1/3B1.1 Aggravating & Mitigating Factors
 - 3E1.1 Acceptance of Responsibility
 - 4B1.1 Criminal History
 - 5C1.2 Safety Value
- This was a smart move- gives Larry the cloak of legitimacy.
- Of course, omits the almost endless number of variables, caveats, etc. in actual cases.

LARRY LOSES IT WITH HIS STRATEGIC ADVICE ON BARGAINING, APPOINTED LAWYERS, ETC.


- Disparaging Appointed Lawyers
- Plea Bargaining Strategies
- Rejection of Plea Agreements
- Protect your PSI
- *Booker/FanFan*

PARTS 2 & TROIS

Part 2

- “General interest” to defendants.
- Largely related to prison life, case documents, BOP rules and regulations, Immigration, etc.

Part 3

- Literally cuts and pastes the Guidelines for Crimes.
 - Goes through special enhancements.
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**PART IV-
LARRY'S TRIAL
STRATEGIES
W/
ANECDOTAL
SUPPORT**

Disappearing Plea
Agreement

Point Break

A Modern Trial by
Fire

FOOD FOR THOUGHT- WHAT TO DO WITH LARRY



- Larry is (was) NOT stupid.
- There is some useful information for defendants- especially as it relates to BOP life.
- Recitation of the Guidelines is good for defendants.
- Have a plan to address Larry's advice with your ever-questioning clients that does NOT involve belittlement.
- Some clients cannot be helped.

HANDLING LARRY AND PRESERVING THE ATTORNEY/CLIENT RELATIONSHIP

Humor, Sarcasm
and Plain Ol'
Common Sense
Application

About the Author

About the Book

YOU are the lawyer!
(Don't be a jerk here
though).

Kill 'em with.....

- Empirical Data
- Case Law
- Experiences in Federal Court(s)

ADDRESS LARRY'S BACKGROUND AND ACTUAL EXPERIENCES

- Larry died in prison.
- Larry was never a lawyer.
- Larry was not particularly successful when he acted like one. (2255s etc.)
- YOU are not an electrician.
 - Would not fix your own electrical issues.



TAKE THE TIME TO HIGHLIGHT- MY FAVORITE EXAMPLES

Threatening the AUSA with trial is NOT a successful strategy.

Feds have resources, pay their lawyers well, are intelligent.

Feds cherry-pick their cases.

- That is why their numbers are smaller than State.
- Percentages of conviction.

The many vagaries of the Guidelines post-Booker.

A continued evolution of federal jurisprudence.

COMPARE, CONTRAST & EXPLAIN

Acknowledge the potential usefulness of Larry's BOP life information.

Helps establish or re-establish that broken trust.

Compare that to actual legal advice.

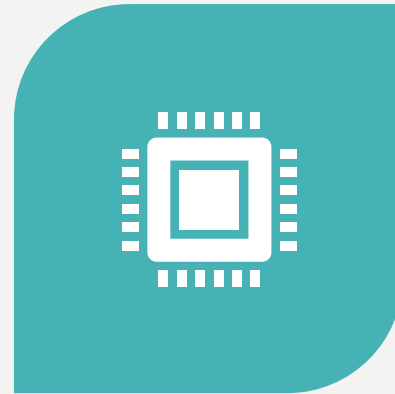
Lying to clients is not exactly the best way to endear oneself to the federal bench.

Explain where Larry goes off the rails and WHY- legally speaking

BE AN ATTORNEY



BUT DON'T BE ARROGANT.



LARRY'S BOOK SPECIFICALLY ADDRESSES GIVING DEFENDANTS THE ABILITY TO BE ON THE SAME "PLAYING FIELD" AS THEIR LAWYERS IN ORDER TO CALL OUT ALL OF THAT DECEIT, DISHONESTY AND CAVORTING WE SPOKE ABOUT EARLIER.



SAVE YOUR LEGAL SPEAK FOR THE JUDGE. TALK TO YOUR CLIENTS- NOT DOWN TO THEM.

KILL 'EM WITH.....

- Now that you have established or re-established that rapport, give your clients the intellectual smack down with your OWN experiences. Over-anecdotal Larry's anecdotal. Recall- Larry says he worked "two years" with defendants in the Phoenix area to get all of his information. YOU have way more real lawyering experiences than that.
- Fall in love with empirical data. If you practice fed, know fed.
- Know the stats in your circuit/district.
- Know your judges and prosecutors.
- Work with the federal defenders for information- an invaluable resource.



THE “OH HHHH” MOMENT

THIS IS THE TIME WHERE YOUR CLIENT FINALLY GETS
THAT YOU KNOW WHAT YOU ARE TALKING ABOUT.

BECAUSE YOU TOOK THE TIME TO EXPLAIN ALL THINGS
LEGAL TO THEM IN A WAY THAT DOES NOT OFFEND
THEIR SENSIBILITIES.



THE END

- Questions?
- Call or email either one of us at any time. If we don't know the answer, we will find out.

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