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'A very high calling'

John Lichtenstein and John Fishwick (and now Neal Johnson) have earned their reputation in high-profile cases, but their practice is about a lot more than pro bono work

By Sarah Cox

The public has heard the details of the Lichtenstein, Fishwick & Johnson trials that have caught the attention of the press. There was the former National D-Day Memorial Foundation President Richard Burrow who was prosecuted by the U.S. Attorney John Brownlee with fraud in connection with how Burrow raised funds for the \$25 million Bedford memorial. That case ended in hung juries and John Brownlee asked the judge in the case to dismiss the charges against Burrow in October, 2004.

Dr. Cecil Knox, pain specialist in Roanoke, was charged with conspiring to illegally distribute prescription drugs, distributing narcotics for no legitimate purpose, racketeering and health care fraud, among other things. After an October, 2003 jury trial, Knox and two people who worked with him received acquittals on many charges; there was a deadlock on the rest of the charges.

Another infamous and more recent case is that of former Lynchburg mayor Carl Hutcherson Jr., who faced between three and four years in prison for seven felony fraud convictions. In August, 2006, he was, instead, given a sentence of 36 months of probation, 200 hours of community service and \$15,000 in fines and restitution.

Consider Martinsville man Malvester Dixon, who was looking at the death penalty for allegedly hiring a hit man to shoot his wife, Lisa Thomas, in September, 2000. In June, 2006, Martinsville Commonwealth's Attorney Joan Ziglar



Daniel Grogan

Law partners Neal S. Johnson (from left), John E. Lichtenstein and John P. Fishwick

dropped charges, based on recantations of evidence, and announced she would not seek new trials against them.

And then there are the cases most don't hear about, the quiet and intense work that goes on around the conference table with clients who deserve a good defense.

Chris Henley, for example, the Wythe County boy who beat bone cancer in 1996 at age 11, only to come down with a treatable form of pneumonia that was not

diagnosed properly. That error nearly cost Henley his life and caused permanent damage to his lungs. The law firm sued for medical malpractice and Henley received more than \$550,000 for his pain and suffering.

Medical malpractice, business litigation, product liability, and criminal defense . . . that, says Lichtenstein, is what

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his law firm does. The firm has five attorneys and what Lichtenstein describes as a large staff working together on cases. “Some of the best victories no one will ever know about,” says Fishwick.

“Defense of the poor is a very high calling, and we take that calling very seriously,” says Lichtenstein, who saw his own father, late attorney Barry Lichtenstein, follow that calling. “We do it because somebody needs us to do it.”

Because their practice is so varied, these lawyers are financially successful and able to do *pro bono* work. And because they have extensive business experience—they defend corporations as well as handling medical malpractice suits—they have insight that helps them understand cases, explains Fishwick.

Their extensive business practice has given them forensic and financial expertise, says Lichtenstein, that enables them to develop an in-depth understanding of issues. “When you go through some of these hard, tough cases, that experience benefits other cases. That court experience helps no matter what the issues are,” says Fishwick.

Lichtenstein describes his partner Fishwick’s strengths as his ability to see the “micro and the macro very, very quickly and understand the players and issues upfront. He brings that to all phases of the case. That’s a very strong weapon and the results prove my description.”

He describes Neal Johnson as having great interpersonal strength and the ability to establish relationships with people. “He moves into cases

quickly and easily,” says Lichtenstein.

And that third angle, Lichtenstein, Fishwick describes as incredibly effective in the courtroom. “Talk to John’s clients—they will say he cares a lot about them and their families. The best lawyers don’t change who they are in the courtroom.”

All three are relatively defensive when asked why they get so many high-profile cases. There are multiple reasons. “Anyone wants to have someone with experience,” Johnson offers. Some cases are referred to them by other attorneys. “A lot of cases come to this firm from other lawyers—we are very flattered by that,” explains Fishwick.

But does the media play any part in attracting cases to this firm? “If you handle a case that, by its nature, is covered in the media, there is going to be an effect of that,” admits Lichtenstein. But the firm is not scrambling around currying favors, he insists. “You may like what the media does one day, and dislike it another day. If you believe a certain thing to be true about a client, then we carefully say it,” he says. Mostly their conversations with the media, explains Fishwick, take the form of responses to questions.

The firm may be known to represent the underdog, and it does—David vs. Goliath. You’ve got to like the fight, says Lichtenstein. “My father was a lawyer who spent his career reaching out to people. It is of transcendent importance, and it’s what makes the decision for us.”

Fishwick describes their five-man firm as often facing up against much larger law firms who enjoy large re-

sources. The insurance companies, for instance. “We enjoy those fights, and we work long hours,” he says. But on the other side, says Lichtenstein, they have also represented major corporate players, and that is what makes them develop such full comprehension in the courtroom.

On the front end, says Fishwick, the lawyers in this firm do a lot of work evaluating cases and determining whether to take them on.

“Does it have merit?” he asks. If not, the law firm advises

is substantial. It’s fighting the good fight for those who have suffered catastrophic accidents; those who are facing the death penalty; and those who may lose their life resources.

“When we are in a case of a young person who has suffered a life-changing accident, those cases are often against national insurers. And we jump into those cases and go after them, because our clients absolutely need that.”

The next day, it may be representing a business dispute between two business partners,

‘Defense of the poor is a very high calling, and we take that calling very seriously. We do it because somebody needs us to do it’

- Attorney John Lichtenstein

potential clients not to spend their resources on it.

They have kept their firm intentionally small. But that’s not to say they’re remaining only in Roanoke. Just recently this firm, which was established in 1996, has opened offices in Charlottesville, within walking distance of both the federal and state court houses.

Now, says Lichtenstein, the firm doesn’t have to rent hotel rooms in which to conduct research and business. And while it can easily handle cases in Southwest Virginia from their Roanoke offices at the corner of Salem and Jefferson Streets, the Charlottesville office enables the firm to meet clients from the Richmond and Tidewater areas, as well as take on trials in the federal court easier.

While there are no obvious commonalities between the cases that the trial law firm of Lichtenstein, Fishwick & Johnson handle, Johnson says the effort they put into each one

or an employee against an employer. So the common thread may be this: “We look forward to coming to work every day. It’s a lot of fun, or we wouldn’t do it,” says Fishwick.

At the end of 11 years, defending all sorts of cases, these three attorneys still believe in the jury system. They really understand how this country works, says Lichtenstein. “The jury is the key to freedom in this country, and we are able to see how it works.”

“The Dixon case is a good example,” says Johnson. “They were trying to put this man to death. He was a Muslim and this was very controversial.”

The success of this firm is found in many answers, but this one may be its sustenance: “In the middle of the night, we get match tough. We build up a scar,” Lichtenstein says.

(Sarah Cox is a Vinton-based freelance writer.)