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Perry Mason By Way Of Us Weekly: A Review Of Cardiac Arrest

A terrific account of a successful white-collar defense hits the bookstores.

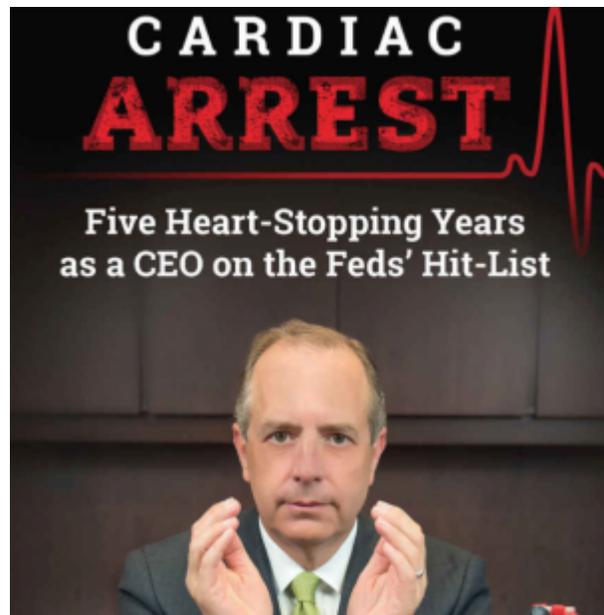
By Justin Dillon

Ladies and gentlemen of the white-collar world, let me introduce you to your book of the summer.

It's called *Cardiac Arrest*, and it's by a man named Howard Root and his coauthor, Stephen Saltarelli. It is the most compelling, most insightful, and just plain dishiest book I've read about the white-collar world since *The Man to See*. And it will absolutely knock your socks off. (I should note that I received a free copy of the book and audiobook, but the decision to write about it at all, much less to praise it as I am about to do, was entirely my own.)

It's hard to know where to begin with my praise for this book, so let me start by telling you what it's about. Howard Root was the CEO of a company he founded in Minnesota called Vascular Solutions, Inc. (VSI). It was a medical device company that, among other things, created and sold devices to address problems like varicose veins. In 2011, the Department of Justice began investigating VSI misbranding and other charges related to a VSI product that comprised — I kid you not — 0.1 percent of the company's total sales.

In 2014, both the company and Mr. Root were ultimately indicted in — of all places — the Western District of Texas. (How it got there is a depressing story in its own right, well-recounted



in the book). Rather than do what 99 percent of people or companies would do in that situation — plead — VSI and Howard Root decided to fight.

This book tells the story of that fight.

What makes it so compelling for anyone interested in white-collar work is the close-up view of what it is like to take on the federal government and see as the government abuses its power time and time again. The bullying that went on during the grand jury investigation, for example, will make your jaw drop.

It's one thing to talk in generalities about how the government so often abuses its power in criminal cases, which people (including me) do all the time. But it's another thing to have a book take you, step by step, through abuse after abuse committed by the government — and name names as it does so.

You will read excerpts from grand jury transcripts showing how prosecutors twisted witnesses' words to make their case. You will hear from those witnesses, who recount being threatened with indictment if they didn't "fix" their testimony. You will hear about one witness's lawyer being told that her testimony was "pissing... off" the government because — of course — the prosecutor wasn't hearing what he wanted to hear.

You will learn the names of the prosecutors from Texas and from Main Justice who did these things. (Can Google be karma?) You will laugh (unless you're a prosecutor) as Mr. Root insults them in impressively creative ways. Petty? Maybe. But if you tried to indict me and ruin the company I'd built for something I didn't do, and I had to spend millions of dollars defending myself, I'd probably be a little pissed off too.

But Mr. Root doesn't stop with the prosecutors. He pulls no punches with either of the two judges assigned to the case. I won't name them here, because I am a coward. But it's hard not to chuckle, and occasionally cackle, as he talks about some of the rulings in the case and how he felt about them. One dialogue he imagines to have taken place at a Halloween party between the lead AUSA on the case and the Texas-based judge initially assigned to it made me laugh out loud. (It involves the AUSA dressed up as a giant strawberry.)

And that's not all. For those of you who occasionally read ATL for the gossip, this is the one of the dishiest pieces of legal writing that does not have "David Lat" in the byline.

That's because he talks about the lawyers.

Mr. Root, as I suspect he would readily admit, was not an easy client. He himself was an accomplished lawyer before founding his company, and he seems to have a very clear idea of what he thinks makes a good lawyer and a bad lawyer. It's hard to argue with that, because both his life and his life's work were on the line in this prosecution.

You will read how he goes through a few different sets of lawyers before finally settling on the legal team that would take him through trial — Michael Pauzé, John Richter, and my friend Rob Hur, all from King & Spalding. What they manage to accomplish at trial is nothing short of astonishing, and the fly-on-the-wall view the book gives you is unparalleled. It's also just plain fun; reading Mr. Hur's blistering cross-examination of a former VSI sales rep, for example, is legal *schadenfreude* at its finest.

Before getting to them, though, he has quite a bit to say about the previous lawyers in the case.

It's hard not to laugh, for example, when you see the CEO of a successful company describe his lawyer — who co-chairs the white-collar practice of a prestigious national firm — as an “arrogant prick” and criticize another lawyer for throwing him under the bus way too quickly, instead of actually thinking about a good defense strategy. (Pro tip: It's probably not a great idea to hire a patent lawyer to defend your white-collar case.)

In addition to being dishy, the book is also a master class in what good client service looks like. Combine a meticulous and demanding client with a top-flight legal team, and it's fascinating to get such direct insight into what is involved in not only practicing law at a high level, but delivering the best possible client service while you're doing that. That's something a lot of lawyers don't think about, but it's crucially important. If this book teaches you nothing else, it will teach you that you can never take your clients for granted. If you don't do a good job, they will fire you, no matter how fancy you are.

I cannot recommend this book highly enough. It was one of the most enjoyable legal books I've ever read, and I think anyone interested in the white collar world will devour it. (I actually listened to the Audible version, which had a wonderful narrator.)

In fact, I loved this book so much, and I think it's so important for both defense lawyers and — dare I hope — prosecutors to read, that I'm going to devote my next two columns to it. In the

next column, I'll have an interview with Mr. Root and his coauthor, and in the last column, I'll talk to his legal team about the case. This book is just that good.

Justin Dillon is a partner at KaiserDillon PLLC in Washington, DC, where he focuses on white-collar criminal defense and campus disciplinary matters. Before joining the firm, he worked as an Assistant United States Attorney in Washington, DC, and at the Civil Rights Division of the Justice Department. His email is jdillon@kaiserdillon.com.