

## ZIMMERMANN LAVINE & ZIMMERMANN, P.C.

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### JIM E. LAVINE

BOARD CERTIFIED, CRIMINAL LAW  
NATIONAL BOARD OF TRIAL ADVOCACY &  
TEXAS BOARD OF LEGAL SPECIALIZATION

### PERSONAL

- ▶ Born in Youngstown, Ohio, 1949
- ▶ B.A. from Williams College, Williamstown, Massachusetts, 1971
- ▶ J.D. from Illinois Institute of Technology - Chicago Kent College of Law, 1974

### LEGAL BACKGROUND

- ▶ Partner in Zimmermann Lavine & Zimmermann, PC
- ▶ Board Certified in Criminal Law by National Board of Trial Advocacy and Texas Board of Legal Specialization
- ▶ Assistant State's Attorney, Special Prosecutions Bureau; Organized Crime Unit, Cook County, Illinois from 1975 to 1980
- ▶ Assistant District Attorney, Harris County, Texas from 1980 to April, 1985
- ▶ Private practice defense counsel since May, 1985
- ▶ Named a "Super Lawyer" by Texas Monthly Magazine (top 5% in State), 2003 to present
- ▶ Presented the prestigious Robert C. Heeney Award by the National Association of Criminal Defense Lawyers given annually to the one criminal defense attorney who personally and professionally best exemplifies the goals and values of the Association and the legal profession, 2007
- ▶ Named Lawyer of the Year by the Harris County Criminal Lawyers Association and Texas Criminal Defense Lawyers Association, 2006

### BAR ACTIVITIES

- ▶ President, National Association of Criminal Defense Lawyers, 2010-2011
- ▶ President-Elect, National Association of Criminal Defense Lawyers, 2009-2010
- ▶ Parliamentarian, National Association of Criminal Defense Lawyers, 2006-2007; 2008-2009
- ▶ Former Director, National Association of Criminal Defense Lawyers, 1997-2003
- ▶ Faculty Member of the Texas Criminal Trial Advocacy Institute and State Bar of Texas Advanced Criminal Law Course
- ▶ Former Director, Texas Criminal Defense Lawyers Association
- ▶ Former Chair, Amicus Curiae Committee, Texas Criminal Defense Lawyers Association
- ▶ Recipient of Texas Criminal Defense Lawyers Association Presidential Award, 1992
- ▶ Member, Illinois State Bar Association
- ▶ Former President, Harris County Criminal Lawyers Association
- ▶ Frequent Continuing Legal Education Speaker
- ▶ Texas Bar Foundation, Life Fellow

### NOTEWORTHY CASES

- ▶ 1985 - 1987: State v. Clifford Henry Bowen (co-counsel for Clifford Henry Bowen on writ of habeas corpus, three death sentences reversed; case dismissed upon re-trial after suppression of hypnotically enhanced testimony - Oklahoma City, Oklahoma). Bowen v. Maynard, 799 F.2d 593 (10th Cir.), cert. denied, 107 S.Ct. 458 (1986)

- ▶ 1986 - 1987: United States v. Sardelli (represented Andrea Sardelli at trial and on appeal, false statement on S.B.A. loan application; case reversed and dismissed). United States v. Sardelli, 813 F.2d 654 (5th Cir. 1987)
- ▶ 1986: State of Texas v. Ahmed Lowery (6 murder charges, including a capital murder charge, dismissed after the successful suppression of his audio tape confession)
- ▶ 1989 - 1991: In re Grand Jury Subpoena - Reyes-Requena (represented Harris County Criminal Lawyers Association as amicus, in trial and appellate courts; government precluded from requiring lawyer to testify against client at grand jury - Houston, Texas), 926 F.2d 1423 (5th Cir. 1991)
- ▶ 1992: United States v. Barry Martin Atkins (acquitted by instructed verdict of 8 counts of bankruptcy fraud and 4 counts of money-laundering - Houston, Texas)
- ▶ 1993-1994: State v. Jerry Watkins (murder case dismissed after District Attorney arrested for soliciting a bribe from Jerry Watkins. District Attorney served 2½ years in federal prison – Athens, Texas)
- ▶ 1999-2003: United States v. George L.J. Wilson (represented Bahamian businessman at trial and on appeal; mail fraud, money-laundering convictions and 20-year sentence reversed on appeal and charges dismissed – Houston, Texas)
- ▶ 2005: United States v. Timothy Kramer (represented Duke Energy VP. Jury acquitted on seven counts of conspiracy to commit wire fraud, mail fraud, and falsification of books. Mistrial declared on twelve counts after seven week trial, jury deadlocked, dismissed on motion of Government – Houston, Texas)
- ▶ 2005-2007: United States v. Kevin Howard (represented Enron Broadband Services CFO. Judge acquitted on two counts. Mistrial declared on fifteen counts after 14 week trial, jury deadlocked on conspiracy, securities fraud, and wire fraud charges. After retrial, judge granted motion to vacate all convictions – Houston, Texas)

## **AUTHOR**

- ▶ "Texas Prosecutors Trial Manual" - Pre-Trial Motions, 1982
- ▶ "Forfeitures" - State Bar Advanced Criminal Law Course Handbook, 1985
- ▶ "Federal Forfeiture and Remission" - Criminal Defense Lawyers Institute, 1986
- ▶ "Juvenile Law" - Texas Criminal Defense Lawyers Association, 1988
- ▶ "Evidentiary Considerations: Sex Crimes" - Texas Criminal Defense Lawyers Association, 1988
- ▶ "Confessions and Oral Statements" - Texas Criminal Defense Lawyers Association, 1989
- ▶ "Grand Jury" - State Bar Advanced Criminal Law Course, 1989
- ▶ "Evidentiary Considerations: Crimes Against A Child" - Texas Institute of Criminal Law and Advocacy Seminar 1990
- ▶ "Attorney Subpoenas Imperil Choice of Counsel" - Trial Magazine, April 1990
- ▶ "Integrating Trial Preparation with the Criminal Defense Theme" - Association of Trial Lawyers of America Annual Convention, July 1991
- ▶ "Federal Forfeiture" - State Bar of Texas, Advanced Criminal Law Course, August 1991
- ▶ "Defensive Theories - Opening & Closing Arguments for DWI cases" - Harris County Criminal Lawyers Association, April 1992
- ▶ "Civil and Criminal Aspects of Federal Forfeiture" - SMU 1992 Business Crimes Seminar, October 1992
- ▶ "Getting off on the Right Foot: Preserving Your Client's Rights In the Initial Process" - 1993 NACDL Annual Meeting & Seminar, August 1993
- ▶ "State Forfeitures in Texas" - Criminal Defense Lawyers Project Skills Course, December 1993
- ▶ "Forfeiture, Getting off on the Right Foot" - 1994 Florida Association of Criminal Defense Lawyers Seminar, June 1994
- ▶ "State Forfeitures in Texas" - 20th Annual Advanced Criminal Law Course, July 1994
- ▶ "Update on Search and Seizure: Federal and State Law" - 1996 NACDL Annual Meeting & Seminar, August 1996
- ▶ "Integrating Trial Preparation with the Criminal Defense Theme" - Mississippi Trial Lawyers Association, December 1996
- ▶ "The Brady Doctrine" - Advanced Criminal Law Course, University of Houston Law Foundation, September 2008
- ▶ "The Brady Bunch" - Federal Criminal Practice Seminar, Cleveland, Ohio, August 2010