

LAW FIRM DISTINGUISHED LEADER

GARY NAFTALIS

Kramer Levin Naftalis & Frankel

By Patrick Smith



Photo by David Handschuh/NYLJ

There isn't a whole lot that Gary Naftalis, now 81, hasn't accomplished in his legal career. He was an assistant U.S. attorney in the Southern District of New York. He tried mob cases in the 1970s with Robert Morgenthau. He defended Michael Eisner (successfully) in a landmark shareholder derivative suit. He has his name on the shingle of a prominent Big Law

firm. When it came to "bet the company" litigation in the securities industry, Naftalis was (and some say still is) the man to go to. He was and is actively involved in the pro bono program at his longtime home of Kramer Levin Naftalis & Frankel.

Over 50 years of practicing law, Naftalis has seen, and done, if not "all of it," then "most of it."

And he did it, as Mary Jo White of Debevoise & Plimpton, another generational litigator, says, with a set of tools not often found in one box.

“He does everything extremely well,” she notes. “And he cares about people. He is a thought leader in the profession. He is a true trial lawyer, a counselor to lords and executives. And smart as they come by a significant margin.”

That intellect was on display during a mafia trial Naftalis was involved in while at SDNY. He was working with another SDNY prosecutor, one by the name of Jed Rakoff, who would later become a lifelong friend and federal judge.

Naftalis and Rakoff met when the latter joined the SDNY

offices in 1972. The trial, featuring Lucchese crime family associate Carmine Tramunti, was about to conclude when the judge asked both sides to have closing arguments ready the next morning.

“I thought we were going to go back and plan the closing argument,” Rakoff recounts. “But Gary said it was late in the afternoon, let’s get some dinner. Around 7:30, he says he wants to call Jay Goldberg [defense lawyer for Tramunti] and feel him out as to what he will say. The call lasted two full hours. Both are cagey, smart guys, and both were trying to figure the other one out.”

Rakoff suggested they sit down at the typewriter and at least do an outline. Naftalis said it was late, and suggested that Rakoff go home. So he did. Rakoff found out later that Naftalis didn’t start working on the summation until 2 a.m., seven hours before his presentation.

“The next morning, off the top of his head and without a single note, he gave one of the greatest summations I have ever heard at any point in my career,” Rakoff remembers. “It was brilliant. There are not even a handful of lawyers that could have pulled that off. And he [Tramunti] was convicted.”

Naftalis has a deserved reputation for being able to connect with juries. That isn’t lost on the man himself.

“I think it can be taught up to a point, but you also have to have a certain ability,” he says. “There are really smart people out there that I know, and they are more interested in what’s in the book or on the page. It’s in their DNA, and they are happy with that. But I don’t think you can be an effective trial lawyer without liking people.”

Naftalis didn’t always want to be a lawyer. In fact, he wasn’t really sure exactly what it was that lawyers did. He was the first in his family to go to college, so his information on the profession came from somewhere else.

“I just knew Perry Mason on TV,” he quips.

To have a career like Naftalis, there are sacrifices to be made, both by the people pursuing the career and those close to them.

Naftalis says his wife Donna, with whom he recently celebrated 50 years of marriage, was instrumental in his success in ways that many don’t know.

“She modified her own career for mine,” he says. “She has an MA from the University of Chicago and was a professor at NYU. But after we had kids, she put that on hold. She made our lives. She has been terrific. She is my wife, my partner and my pal.”

While creating a career path similar to Naftalis is playing somewhat against the odds, he does have some advice to share for those who would hope to try.

“Everyone is a bit of a prisoner to their own experiences,” he said, already thinking about how “the room” would react. “But a great thing for a smart young man or woman to do is clerk with a great judge, especially a great trial judge. You learn a lot. They tell you a lot. And be a prosecutor at some point. You try cases. You learn how a judge thinks.”

Finally, he says have a sense of humor and don’t take yourself too seriously.

“If you have it, use your sense of humor in court,” he says. “If the jury likes you, it spills into your client. Same if they don’t.” ■