

Randall Levine

Well Clad With the Constitution's Armor, He Assists Criminal Law Defendants

by David Thomas

KALAMAZOO — It's hard for Randall S. Levine of **Levine and Levine** to pinpoint the origin of his desire to become a criminal defense attorney.

Once he was confident he wanted to be a lawyer, however, he was sure he wanted to work in the criminal justice system. And today, he represents all his clients — regardless of what they have been accused of — with the vigor and zeal they deserve.

"I've been a very strong believer in the fact that you need, in order to have a fair and just system, strong advocacy on both sides, and that in a criminal case you need to start with a presumption of innocence," Levine says. "The system only works if you have that advocacy on both sides."

The 62-year-old Michigan attorney views his life's work as having great constitutional importance. He even has favorite constitutional amendments: the Fourth, Fifth, Sixth and Eighth, all of which are the basis of the U.S. criminal justice system.

Levine ascribes his appreciation for rights like a fair trial and due process to his grandparents' emigration from Russia, where "they didn't enjoy the civil rights we have here."

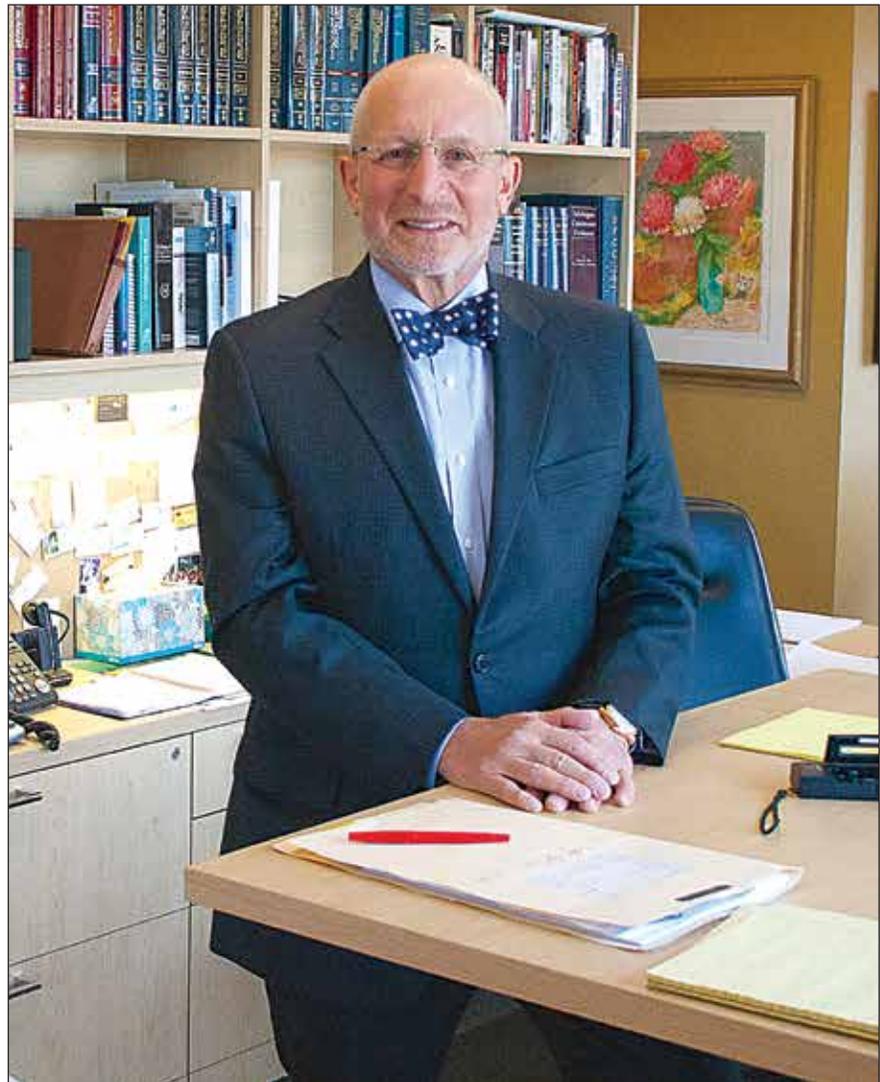
"These kinds of things are very meaningful to me, and I take my job very seriously," Levine says. "I think it's important we have people who, despite the unpopularity of causes, are willing to offer a vigorous and zealous defense, regardless of the heinous nature of a particular accusation. It's a difficult thing to understand for a lot of people who aren't in the system and don't do what I do."

Gary C. Giguere Jr., a circuit court judge based in Kalamazoo County who has both faced and worked with Levine, has this to say: "He's going to fight. You'll likely have a jury trial, and he'll make the prosecutor work."

Starting on the Other Side

Coincidentally, Levine's legal career started on the other side of the courtroom. While attending classes at Thomas M. Cooley Law School — which is now affiliated with Western Michigan University — Levine worked as a clerk in the Michigan attorney general's office of economic crime.

"I could walk from class to the attorney



general's office," Levine says.

But even then, Levine says he knew the importance of ensuring a defendant's right to a fair trial. "You can't draw a line and say this is a horrible offender and a heinous offense, and therefore, they're not entitled to as much of a defense as someone else."

It was also something he heard repeatedly from his teachers. They said he had a particular set of skills that could be applied in a courtroom, including his persuasive use of language and his flair for the dramatic.

Levine credits his growth as an attorney to a number of Barry County district and circuit court judges, like the retired Gary R.

Holman, Richard Robinson and Hudson Deming, who taught him how to act professionally and "how to go to war with your opponent but do so in a courteous way, with comity."

Levine likes to tell this story on how, when he was a young prosecutor, he would take a long lunch break with the defense attorney and the judge. "We talked about everything except the case we were involved in," he adds.

Those kinds of experiences helped Levine learn how to advocate for his client while developing good relations with the opposing counsel.

Levine graduated from Cooley in 1979 and began working full-time as an assistant prosecutor in Barry County. By chance, he happened to cross paths with an attorney named Joseph Jerkins, who was the opposing counsel in a murder case and then a criminal sexual conduct case Levine was prosecuting.

In 1982, Jurgers invited Levine to join his small firm, Vlachos Jerkins and Hurley, in Kalamazoo. Levine accepted.

Suiting up Like a Knight

Levine was at the firm for five years. Although Vlachos Jerkins and Hurley was not strictly a criminal defense firm, that was all he did.

It was there he first met James VanderRoest, who now has his own business law practice in Kalamazoo. When the two were at Vlachos Jerkins and Hurley, they worked together on criminal cases, with VanderRoest doing a lot of the research and appellate work.

But their business relationship continued after Levine and VanderRoest went in separate directions. Levine used to refer his clients to VanderRoest whenever they had business law issues. Now the flow is reversed, with VanderRoest referring clients to Levine if they get into trouble with the law.

VanderRoest recalls a “horrific drunk driving” case he and Levine worked on together. Their case was in front of a judge known for being a stickler for procedure.

Levine’s preparation was like “a knight suiting up in armor,” VanderRoest says. “It was really amazing because the judge was not sympathetic to our side.”

Although the client was convicted, the judge, who had been appointed to the federal bench, later asked Levine to represent other clients in difficult cases. To VanderRoest, that says a lot about Levine’s skill and his dedication to his clients.

“He has a commitment to make sure the government is held to their proofs,” VanderRoest says. “He takes cases people turn their noses up at. He’s a lawyer’s lawyer in that regard.”

Levine started his own law firm in Kalamazoo in 1987. His wife, Sharan Lee Levine, joined him shortly after he opened Randall S. Levine PC. They were classmates together at Cooley, and she was at a law firm in Kalamazoo working on commercial real estate transactions.

“It was just the two of us,” Levine says. “Now we’re six lawyers and 15 employees.”

After opposing him as an assistant prosecuting attorney for a number of years,



Levine with wife and law partner Sharan Lee Levine



The Levines with daughter Reyna Abigale Levine (daughter Maura is not pictured). Also from left: Shana and Randall’s golden retriever MOTEK and Reyna’s lab Daisy.

Giguere joined Levine’s firm in March 1999. At the time, Giguere considered himself a pretty good attorney. But Levine showed him how much better he could be.

For instance, Levine taught Giguere about time management, like “recognizing when something is a two-hour project,” he says. He also learned the value of being in constant communication with his clients and the importance of interviewing them multiple times.

“We would put in excruciating preparation for every single case. He made everyone in the firm care about every case and every client,” Giguere says. “He really taught me a different level of hard work.”

Even though he’s a judge now, Giguere says he still carries the lessons of his time at Levine’s firm with him. For instance, he stays abreast of any changes in the law and knows the rules of evidence.

Not Like the Others

Levine’s colleagues will tell you that, while other attorneys can do what Levine does, they also really can’t.

Larry C. Willey, a founding firm partner at the Grand Rapids-based Willey & Chamberlain LLP, recalls a “complicated” marijuana case he and Levine worked on nearly 30 years ago. Levine’s skills and his demeanor made it easy to trust him.

“When it’s appropriate, you can divide up the workload, and you can feel confident his (work) will be done well,” Willey says. “The judges he appeared before both like him and respect him. All of that can apply to other lawyers as well, but you always feel relieved when he’s one of the participants.”

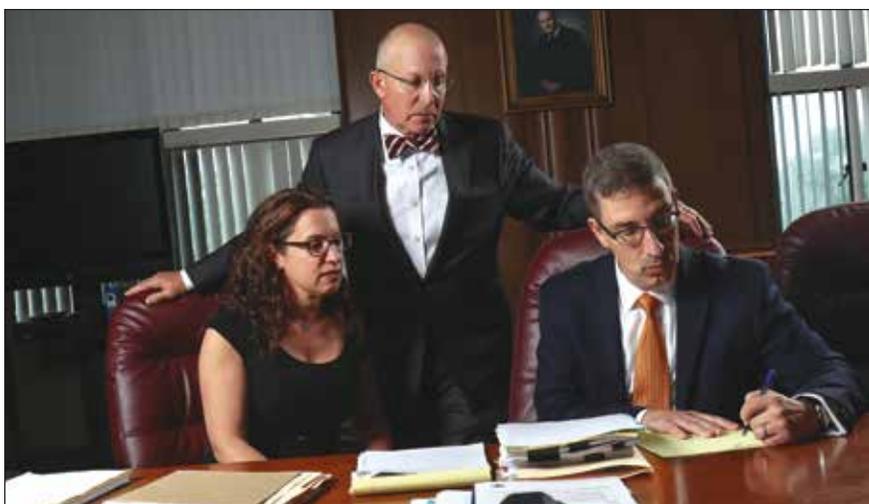
Levine also has the ability to entice witnesses so they offer up more information than they otherwise would. Joel Sternman, a partner in the New York office of Katten Muchin Rosenman LLP, saw this ability on



From left: Dave Lappi and Levine constructed this Upper Peninsula guesthouse recently near the Levine's cabin that was built 10 years earlier.



Levine at the Kalamazoo Bronson Children's Run



From left: associate Sarissa K. Montague, Levine and associate Anastase Markou

display when he and Levine represented different co-defendants in a 10-year-long legal melee involving alleged securities fraud.

Levine and his colleagues described the case as an odyssey of sorts. Levine represented the same client — a controller in an auto parts manufacturer — in a criminal indictment, a U.S. Securities & Exchange Commission complaint and a federal class-action securities lawsuit. And Levine achieved a positive outcome in every battle.

Sternman specifically recalls Levine carrying a yellow legal pad with him where he wrote notes about the depositions that were being taken in front of him.

“And from his questioning, you could not only tell he had done the preparation in advance of the questioning but (also that he) carefully listened...and while sitting there, designed a rational and effective structure on which he conducted his depositions,” Sternman says.

Michael Siegel, a founding partner at Stone, McGuire & Siegel P.C. in Northbrook, Illinois, represented another co-defendant in the case. His experience with Levine was so positive that they've become friends. They're even working together on a Pennsylvania-based case involving the federal False Claims Act.

“He's very even-tempered,” Siegel says. “He doesn't get riled. He doesn't lose the big picture. He is absolutely one of the best I've worked with putting together a cross-examination.”

Maintaining Your Practice

Levine acknowledges that what he does isn't easy, saying there are easier ways to earn a living as an attorney. He adds that there are not as many lifetime criminal defense attorneys in his community as elsewhere.

In order to avoid burnout — which is a serious problem for attorneys — Levine says he exercises and plays a lot of sports: handball, paddleball, skiing and golfing. He and his wife also regularly go to their summer home in the northern part of the state. “It's something I've had to learn over the years,” Levine says.

Winning helps too, Levine adds. “Anytime a jury comes back and renders a not guilty verdict is an exciting event.”

For instance, in the mid-1990s, Levine secured an acquittal for a man who had been accused of following and attacking a female police officer outside of her home.

“I'll never forget her testimony,” Levine says. The officer who was attacked identified Levine's client during a probable cause hearing. According to Levine, when asked how she was so sure, the officer said, “I'll never forget those eyes. I'll never forget

looking into those eyes that night, and I will always remember those eyes, and that is the man,' or something to that effect.”

But Levine believed he was innocent, and he was able to convince the jury to find him not guilty.

In March 2016, Levine represented Kevin Doerfler, an assistant middle school principal who was accused of groping a student. Two student witnesses had testified that they saw the assault take place.

But Levine persevered, securing a not guilty verdict for his client. “It’s over. It’s over, baby,” Levine reportedly told another person in the courtroom, according to a March 29, 2016, [mlive.com](#) article.

“The most emotionally rewarding experience is when you basically can do something that can turn somebody’s life around,” Levine says. “If you can make a meaningful change in somebody’s life — they come to you, and oftentimes they’re absolutely desperate, and their world is crumbling, and it appears to be hopeless, and somehow, you can turn that around — that is very, very satisfying.”

Levine, 63, has signaled a desire to pump his brakes a bit and spend more time with his wife and his family, especially at the summer home they have in the upper part of the peninsula.

“My priorities have changed a little over the years. My daughters are getting older and are ready to probably at some point in the future, have children,” Levine says. “So I see a shift in my priorities in terms of wanting to spend more time with my family and less time in the trenches.”

That said, Levine reaffirms the importance of his work and how he wants to keep doing it as long as his mind is sharp. He compares his practice to fly-fishing. Both are very technical and demanding in terms of concentration and skills.

“When you’re doing that exercise, your mind is free. It’s like you have to focus so much energy on doing it that it takes you away,” Levine says.

“In the same way, when you’re working on a complex case, you can get the same kind of satisfaction out of overcoming what appears to be incredible obstacles by using your mind to figure a way out of a problem.

“I get enjoyment out of that, which is why I don’t see full retirement unless I have to,” he adds. ■