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CHICAGO BUSINESS.

CHICAGOBUSINESS.COM | OCTOBER 6, 2014

SHIA KAPOS TAKES NAMES



Former Enron prosecutor now defends big business

Sean Berkowitz's mom had flown to Houston to see closing arguments in the U.S. government's case against Enron Corp.'s Ken Lay and **Jeffrey Skilling**. It was 2006, and the then-38-year-old Mr. Berkowitz, lead U.S. attorney on the case, had been living in Texas for nearly eight months for the trial. During an evening break after the defense's summation, **Naomi Berkowitz** followed her son to his office.

"She says, 'They made a lot of good points today,' and I said, 'I know.' She says, 'There's a lot riding on this.' And I said, 'Mom, I know.' And she says, 'I'm worried.' I said, 'Mom, I've got this!'"

He would go on to give a dramatic rebuttal, telling the jury, "You can't buy justice. You have to earn it. Don't let the defendants, with their high-paid experts and their lawyers, buy their way out of this."

Later, he asked his mom how he did. "She gave me a thumbs-up."

Eight years after successfully directing the government investigation into one of the nation's most notorious white-collar crimes, Mr. Berkowitz acknowledges the irony that he now represents big business as a partner at Latham & Watkins LLP, chairing the global litigation department of 600 attorneys. In an interview at his River North office, he says the transition was easy, though it took a little while for corporate clients to accept that he was now on their side.

"When you first come out of government, there's a sense of who are you really working for? And I've had those challenges," says Mr. Berkowitz, who focuses primarily on civil, not criminal, cases. "But my track record since leaving the government addresses any questions of my ability to zealously work with anybody I represent."

Shortly after the Enron trial, Mr. Berkowitz joined Latham, where he has successfully defended, among others, **Larry Ellison**, then CEO of Oracle Corp., accused of deceiving investors, and **Manouch Moshayedi**, former CEO of sTec Inc., charged with insider trading. Both companies are based in Silicon Valley.

"I loved my work as a prosecutor. And I love what I do now, which is helping people and corporations and giving people the ability to defend themselves," the trial attorney says. "Just

because someone is being investigated by the government doesn't mean they have done anything wrong."

Mr. Berkowitz, 47, grew up on the North Shore, competed nationally for Glenbrook North High School's debate squad, graduated first in his class from Tulane University and studied at Oxford University for a year. His father was a physician, but "math and science weren't my forte," Mr. Berkowitz says. "I liked to argue."

He earned a law degree from Harvard University, where he played basketball against **Barack Obama**, who was ahead of him in school. Mr. Berkowitz worked at Katten Muchin Rosenman LLP before joining the U.S. attorney's office in Chicago in 1998. He was assigned to the Enron case not really realizing "the import" of it.

At the U.S. attorney's office he worked with **Patrick Collins**, who led the prosecution of former Gov. **George Ryan** and now works at Perkins Coie LLP; **Amy St. Eve**, now a U.S.



Sean Berkowitz

District Court judge, and **Zachary Fardon**, now U.S. attorney in northern Illinois. He was married for a time to Assistant U.S. Attorney **Carrie Hamilton**, who helped prosecute former Gov. **Rod Blagojevich**.

He's still in a fantasy baseball league with former federal prosecutors **Reid Schar**, now of Jenner & Block LLP's white-collar defense team, and Chicago Inspector General **Joe Ferguson**.

He and his wife, **Bethany McLean**, who covered the Enron trial for Fortune magazine, live in Bucktown with two young daughters and two dogs. He's on the boards of A Better Chicago and Chicago Area Project, which fund youth and education programs in underserved neighborhoods, and credits his mom with his commitment to philanthropy.

His mother, the longtime executive director of the American Brain Tumor Association, and father divorced when Mr. Berkowitz was a child. "I grew up in a household with a (single) mom who worked full time and raised three kids," he says, adding that his mom always was there to support him, whether he was helping stuff envelopes for her charity or trying the biggest of court cases.

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