

Sunday, September 28, 2008

## David Wasserman leaves the planet

Å Å Sadly, David Wasserman died last Thursday. Å Nine years ago, I was further exploringÅ how to get paying, versus only pro bono, clients for First Amendment defense both for criminal and civil cases. This goal fit squarely with my obsession over and passionate work on free speech issues with Amnesty International in college and law school, and my service on the board of the local American Civil Liberties Union a few years before. I recognized that adult entertainment and libel defense were the key avenues to such paying clients. Å On the adult entertainment front, I joined and became very active withÅ the Free Speech Coalition,Å soon thereafter attended a conference of the Association of Club Executives, and later the same year spoke in favor of robust First Amendment protection before a federally-created committee that should never have existed, concerning obscenity laws. Å Through the foregoing activities, I met fellow First Amendment lawyer David Wasserman. David believed, as I believe, in helping others rise as we rise. Already a very accomplished First Amendment advocate, DavidÅ sponsored my application for membership in the First Amendment Lawyers Association. One year after meeting me, David took the time to co-counsel with and teach me in drafting and filing an amicus brief whose contents were referenced extensively in the Maryland Court of Appeals' overturning of Howard County's adult zoning ordinance.Å *Pack Shack v. Howard County, Maryland, 377 Md. 55, 832 A.2d 170 (2003)*.Å In the same year that Howard County's adult zoning ordinance was overturned, David was arrested for growing marijuana at his home, when marijuana should be legalized in the first place. In 2004, with his law license suspended in relation to his marijuana conviction, David turned his attentionÅ to such pursuitsÅ asÅ opening anÅ adult video and lingerie store, and later running and owing an adult cabaret/strip club. Å In late 2007 -- while embroiled in conflict with the local government and his landlord over keeping his cabaret operating --Å David was shot in the chest as he returned home with the night's cabaret receipts. Last month, David filed a federal lawsuit against the local government, which describes the shooting as follows:Å David Wasserman "was robbed and then shot in the chest at point-blank range as he returned home late at night on or about December 9, 2007. He was hospitalized for some time and then convalesced at home for a short time after that. The robber asked for deposits for the club and when PlaintiffÅ€™s president said he would cooperate if the robber didnÅ€™t hurt him, the robber told him it didnÅ€™t matter because he was going to kill him. The robber immediately shot PlaintiffÅ€™s president; the bullet grazed his heart, aorta and esophagus and exited his body through his liver."Å Å Å As Adult Video News online recounts, David said the bullet "grazed my heart, it grazed my aorta, it grazed my liver and it grazed my esophagus, and it came out and didn't do any damage at all." David said that the shooter "stepped out of the shadows, put a 9mm to my chest, pulled the trigger and said, "I'm gonna kill you." I continued to struggle with him, and he asked where the deposits were, so I knew it was not just a robbery; it was a set-up from the club. I told him the deposits were in the trunk and let me bend over and press the button so he can get in, and he did, and as soon as he walked around to the trunk, I laid on the horn and having just had a gunshot fired and the horn honking, I'm sure he got worried about the noise and stuff, and he took off running without the deposits." (As an aside, in recounting the incident, David mentioned the race of his killer; doing so served no purpose, and I disagree withÅ his having done so.) Last April, David talked with Adult Video News online about a then-recent police raid on his club. Å Pictured here, David practiced shaolin kung fu. Whether or not this helped him the night he was shot, that was quick thinking to find a way to divert the shooter's attention and to blast his car's horn to get the shooter to run away. Å Ironically, after saving his own life last December, last Thursday, David took his own life. As the Orlando Sentinel tells it, David was battling depression for a long time, and previously told of having attempted to kill himself. Adult Video News online provides further details on David's passing. Å My brother lawyer Marc Randazza knew David, and gives his own take on David's life and passingÅ here, includingÅ Marc's ultimatelyÅ avoiding David in the interest of associating with happy and fortunate people.Å As explained below, the thought ofÅ avoiding David would not have crossed my mind, particularly when considering how much David helped me. Just as a lawyer needs not be sucked into his or her clients' deep problems,Å a person does not need to be sucked into a colleague's problems even when lending a helping hand when one is needed. Å It goes without saying that I will miss David. The sad story of the ending of his life isÅ a critical reminder to reach out to those around us who are depressed or in other psychological distress, when the help is wanted. Many sister and brother criminal defense lawyers,Å among many others,Å struggle with depression. Some peopleÅ may be reluctant toÅ reach out in order later to avoid feelingÅ like a failure if the person still commits suicide. However, there is no reason to feel like a failure if the reaching out is to lend an empathetic ear and tongue. Å Thanks, David, for you. Jon Katz.

Posted by Jon Katz in Jon's news & views at 00:00

Ouch... the way I presented that makes me seem heartless (and I know you didn't intend to amplify that).

I didn't know him very well. I certainly wouldn't avoid a friend in need in favor of associating with happy people. (Many of my closest friends are miserable curmudgeons). I guess what I mean was that I sensed the negative energy attached to him when I met him,

and chose to avoid that while never wishing him anything but the best.  
Anonymous on Sep 29 2008, 08:14

Thanks, Marc, for your comment. FYI to Underdog readers, Marc works with Larry Walters, who is a former law partner of David Wasserman.  
Anonymous on Oct 1 2008, 19:27