

# Ben Brafman: Defense Attorney Extraordinaire... & Proud Advocate Of The Torah World

*Few American criminal lawyers can boast of taking on the federal government and winning. Among them is Ben Brafman, who is ranked as best criminal defense attorney in New York, and perhaps the entire country. His clients include some of the most outstanding figures in society. Virtually every high-profile criminal case in New York reaches Brafman's desk. From humble beginnings as a waiter, to becoming one of the most celebrated jurists in America, Brafman remains proud of his status as an observant Jew who uses his influence to benefit other Jews.*





Friday evening. An atmosphere of holiness pervades the home. The family sits around the table and enjoys an exquisite meal, resounding *zemiros* and uplifting Torah thoughts.

At the head of the table sits the patriarch, Binyamin, a Jew routinely featured on the front page of major newspapers. However, such matters are the furthest thing from his mind right now. It's *Shabbos*, a time to rest from the week's mundane activities.

The rarified atmosphere is disturbed by the sudden ring of a phone. Binyamin does his best not to let it distract him. Assuming it is just a wrong number, he ignores the intrusion and continues with his *Shabbos* meal.

Barely five minutes pass and the phone rings a second time... and then a third. By now, Ben Brafman begins to feel pressure and is more than a bit disappointed to have his *seudah* disturbed. He relishes *Shabbos*. He recalls an incident from just a few days before when a prominent figure visited him at his office on the 26th floor of a skyscraper on 3rd Avenue in Manhattan.

Everything about the man—his personality, clothes, mannerisms, bodyguards and advisors—bespoke prestige. Only unwanted circumstances could have forced him to “lower himself” and meet with a criminal lawyer. Indeed, he was entangled with the law and faced severe consequences. Money was not an issue; he could afford to hire the best lawyer available. Yet even this desperate situation could not restrain his inflated ego.

“Brafman,” the man said, “everyone who works for me knows that he must be available at all times, every day of the week. If something comes up and I need to speak to you, you had better be ready to pick up the phone right away.”

“Sir,” the Torah-observant lawyer responded, “I will gladly pick up the phone for you whenever you call, any hour of the day or night—even at 3:00 AM, if that’s what you want. But there’s one day in the week I don’t pick up a phone for any man and that’s *Shabbos*, because I’m a Jew and I observe *Shabbos*.”

The new client was not pleased. “It can’t work this way,” he stated emphatically.

“What if an emergency comes up and I have to speak to you immediately?”

“I have a non-Jewish worker available on Saturday, and if it’s really an emergency you can contact him.”

With his phone now stubbornly trilling non-stop, Brafman’s mind wanders to this client. “Is he the one trying to get through to me?” One thing is certain: If it were that client, the man would be furious by now. However, that makes little difference. It is *Shabbos* and Brafman has no intention of desecrating its holiness by performing a forbidden activity, even if it means losing such a prestigious client.

As soon as *havdalah* is over, Brafman picks up the phone and calls the client. He expects to hear a long string of curses. To his amazement, the client is relaxed and actually in a very positive mood. “Did you call me by any chance?” Brafman ventures.

“Yes, about a thousand times.”

“I’m sorry,” Brafman apologizes. “Was it urgent?”

“No, you don’t need to apologize. I actually owe you tremendous thanks. I earned \$10,000 last night, thanks to you!”

“What do you mean?”

“I was sitting with some friends last night and telling them how you put religion ahead of business, and you don’t pick up the phone on the Sabbath. They argued with me that it was impossible, and you wouldn’t ignore a telephone call from an important client like me. I made a bet with them for \$10,000. Brafman, you didn’t disappoint me....”

Though the story took place 15 years ago, Brafman remembers it as though it were yesterday.

## Legendary Lawyer

Few American criminal lawyers can boast of taking on the federal government and winning. There’s a reason that the Justice Department has an astounding conviction rate of 93%, a figure that even puts prosecutors in some dictatorships to shame.

The Justice Department achieves that rate not because 93% of the people are



ZMAN correspondent Yitzchok Wagschal during our interview with noted lawyer Ben Brafman.

necessarily guilty of crime, but because few of them can afford to challenge the overwhelming power of the government. The rate was not always so high. In 1972, the federal conviction rate was 75%.

Under the US Constitution, every American is guaranteed a fair trial, but in practice this is not always the case. Changes to the legal codes grant prosecutors extraordinary powers to penalize defendants who choose to stand trial but lose the case. The deck is so heavily stacked against defendants who plead “not guilty,” that the average defendant cannot afford the luxury of being tried by a jury. Why risk a trial when the penalty for losing is so great? “I know very good criminal defense attorneys who haven’t seen an acquittal in 20 years,” Brafman tells **ZMAN**.

Not only is it becoming increasingly difficult to wage a successful defense, but just going to trial has become prohibitively risky. Few defense lawyers have the courage to take a federal case to trial, even when there appears to be a good chance of winning.

Among the lawyers who dare take a federal case to trial, and one who has a higher success rate than all the rest, is Ben Brafman, founder of Brafman & Associates, PC, in Manhattan. Brafman is recognized as the best criminal defense lawyer in New York, and possibly in the entire country. His clients include some of the most outstanding figures in American society (and even some from abroad). When a high-profile criminal

case comes up in New York, there’s a good chance it will reach the desk of Ben Brafman.

Today, Brafman is a household name. When he was expelled from *Yeshivah Torah Vodaas* 60 years ago for making trouble, however, few dreamed that anything would ever come of him. He worked first as a waiter and later as a salesman before trying his luck as a comic. How he went from there to becoming a world-renowned criminal defense lawyer without even crossing the doorstep of Harvard Law School is an incredible story in its own right.

It was a great honor for **ZMAN** that the legendary lawyer set aside some time from his busy schedule to grant us an interview in his luxurious law office.



Brafman’s clients include some of the most prominent figures in America and abroad.