

The Killer

When Stephen Haller raises and lowers his voice, people listen

by BILL GLOSE

photography by LUIGI CIUFFETELLI

"killed him," says Stephen Haller, a divorce lawyer with Einhorn, Harris, Ascher, Barbarito & Frost. "It was great!"

The victim he so gleefully refers to was the opposing counsel he faced in his first court appearance 30 years ago. Haller had been a practicing lawyer for only three days.

"They called my case first," he says. "I was so thrilled I jumped out of my seat and I ran up to the desk, to the counsel table. It didn't occur to me to be scared. ... [The gallery] had all these older guys, experienced guys, and they were all thinking, 'Yeah, the kid's going to trip and fall.' I had an experienced lawyer on the other side and I annihilated him. And it was fun! It was as if I had waited my whole life to be there. I killed him and he walked out like this." Haller mimes a stunned zombie with crossed eyes.

The 56-year-old, cigar-chomping "Jersey guy" is not subtle.

In one case, the wife of his client weepingly described an incident of spousal abuse. Unbeknownst to her, the husband had recorded their fight, which revealed only raised voices, not fists. "Before I ask the judge to play it and refer you for prosecution for perjury," Haller remembers telling her, "anything you want to change in your testimony? 'Well, my memory is clouded. I don't remember what happened really,' she says. She's backpedaling at 100 miles an hour, and I look at her and said, 'That's not enough. More.'" Haller arches his eyebrows menacingly, waves his hand in a come-here gesture while he acts it out. "And so she babbled some more about how it hadn't really happened that way. ... After years of litigation, all three children were awarded to my client."

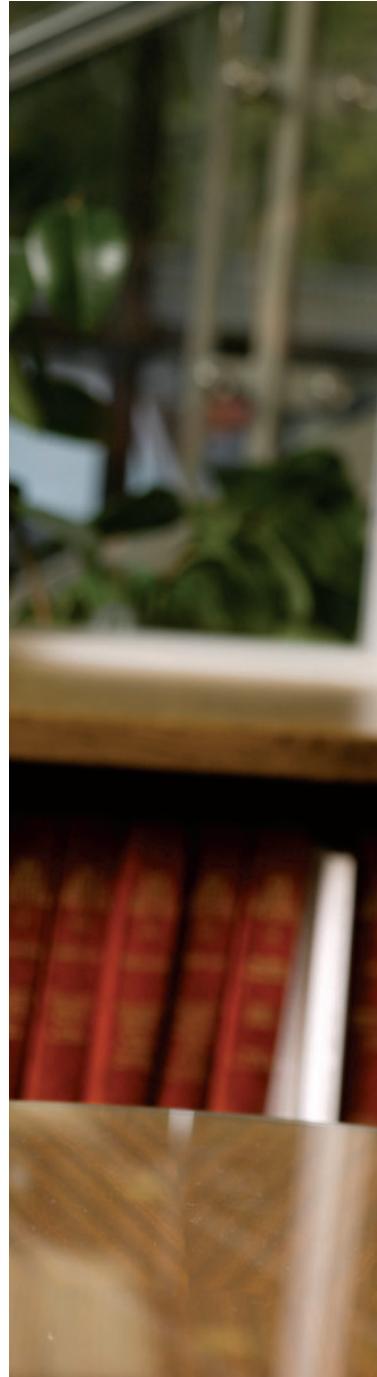
In pursuit of victory, he always keeps in mind his most important audience member. "What I do in cross-examining any witness is try to make *this particular trial* a little bit more interesting for whatever judge is hearing it," Haller says. "The judge sitting up there has maybe

1,000 cases on her or his docket. They can't possibly know the facts of 1,000 cases. ... So what I try to do is instead of the dull, plodding cross-examination where everybody sits and by the end of the day they're falling asleep, I try to raise and lower my voice. Because when you raise and lower your voice, people pay attention. Like him or hate him, but listen to Al Sharpton talk. A lot of people hate him, a lot of people hate what he says, but you don't fall asleep when he's talking."

Does "raising his voice" mean yelling? "Yeah, sometimes," he says. "And sometimes I go from yelling to almost a whisper. When you do that, the judge leans forward and really pays attention after you yell and you're talking really soft. They listen. To me it's a technique. I can let [witnesses] think I'm mad at them, but I'm not mad at them. Because, who are they to me? I'm doing what I have to do for my client, within ethical boundaries. It's my client whom I love; it's not the spouse whom I hate."

That's little consolation to the spouses who face him in court. One woman he excoriated still refers to him as the devil. "And there's good reason," Haller says. "She was a very bad person and I took her out. What I did to her, she deserved 10 times over."

In that case, Haller argued that the ex-wife of his client had taught their two adopted sons to hate their father. One boy ended up in legal trouble and came back to his father, who took him in. The other son, who was at that time in college, refused





Haller is not known
for his subtlety.
Just winning.

all contact, so the father requested to resign as his caregiver, undo the adoption and stop paying support. The judge asked him why he should grant relief. Haller tapped his chest and quoted Barry Goldwater: *In your heart, you know I'm right.*

"The judge said, 'We're going to have a plenary hearing on this issue and pending the plenary hearing your client doesn't have to pay anything,'" he says. "I stood up and turned to the woman—her lawyer was there—and I said, 'I am going to destroy you the way you destroyed those kids.' And she jumped up out of her seat and she said, 'I don't want any hearing. I give up. No support.' Right in the courtroom! Man, that was so great."

He adds: "In 31 years, there hasn't been a day that I have regretted being a matrimonial lawyer. If I could do it all over again, I wouldn't do anything else. I was made for this."

Haller fell into his practice area accidentally. After graduating from Seton Hall University School of Law, Haller's first position

was as a law clerk to Judge B. Thomas Leahy. At the time, Haller had no idea that some judges specialized in one area. Haller's first day on the job, Judge Leahy informed him their entire caseload would be matrimonial and asked if he knew anything about divorce law. "I lied to his face," Haller says. "I said, 'I know everything. I know all the cases. You've got nothing to worry about.' And that night and for every night and weekend after that, I read everything I could read, I read every treatise on family law that existed in 1977, and I became proficient at it."

Judge Leahy told Haller that his job was to watch the lawyers. He saw his share of great ones, but the biggest lesson came from the awful ones, the lawyers who had to check their notes to see if they were plaintiff or defendant or had to lean over to whisper questions to their clients for answers. Haller swore it wouldn't happen to him. "I may not be the smartest lawyer," he says, "but I sure as hell try to be the most prepared."

"What I do in cross-examining any witness is try to make *this particular trial* a little bit more interesting for whatever judge is hearing it," Haller says.

"He does an extreme amount of preparation," says Seymour Rubin, a CPA who has been a court-appointed expert witness on several of Haller's cases. "He makes sure that he understands every single facet of the work that you do. For example, I do forensic accounting. And when you're dealing with him you almost get the feeling that he has become a forensic accountant himself. He prepares like very few people prepare. He's a superstar."

That's a sentiment shared by Patricia Barbarito, who has argued many cases against Haller in the past. She describes him as a tenacious, difficult and obnoxious adversary. "But he always knew his case," she says. "He knew the facts and knew the law. I knew that when we had a case against each other, I was in for a fight, a detailed, contentious litigation. However, at the end of the day, he's an extraordinary, decent guy who will do the right thing."

Deciding she'd rather have him on her side, Barbarito recruited him away from Skoloff & Wolfe in 2004, and they have been having lively debates ever since. Haller credits this to his being "a conservative working with a bunch of liberals," but Barbarito has another explanation. "Stephen loves being contrary simply to be contrary," she says. "We spend much of our after-hours figuring out and negotiating the problems of the world. And Stephen will always take the most contrary position because he enjoys the exercise of litigation. He loves the battle. That's why he's such a good lawyer."

HALLER'S FATHER, KURT, graduated from law school in Vienna on March 8, 1938, three days before the Germans invaded Austria. Kurt escaped to an English refugee camp where he was treated like an enemy prisoner, and considered himself lucky—not all the Hallers survived the Anschluss. Kurt had a law degree and spoke three languages, but once he reached New York the only job he could land was sweeping floors and running deliveries for a drugstore. Eventually, he got a position in the garment business and worked his way up to the executive suite.

Haller was born in Brooklyn in 1952, and the family moved to New Jersey two years later. His father had a love of law and politics and talked about them often. Haller himself simply liked to talk, a trait his sixth-grade teacher noticed. "There was some comment he made after I engaged in some long argument with him about some stupid juvenile point," Haller says, "and he said to me something like, 'You know what? You speak so well, you should be a lawyer.' And I remember saying to him, 'Oh, I'm going to be a lawyer. I'm absolutely going to be a lawyer.'"

On the wall of his office directly above his desk hangs his father's law school diploma. Stamped onto the backside is the swastika of the German Reich. Haller looks up at it often. "It's the right of a child to have two parents," Haller says. "The flame burns bright on custody issues. White-hot."

"When my father passed away, I was devastated." He pauses

to collect himself, continuing with a far-off look in his eyes.

"That moment, probably more than any other, galvanized me to make sure that every kid had access to [both parents]. I had my father until I was almost 50 years old, and without my father I think I wouldn't be half of who I am."

THE HALLMARK CASE of Haller's career is the divorce of former New Jersey governor Jim McGreevey, who resigned from office in 2004 with the announcement, "I am a gay American." His original custody hearing granted him only 15 percent of his daughter's time. He wanted an equal split. He went to Haller for help.

"Steve has a heartfelt belief and commitment toward paternal rights," McGreevey says. "He believes children ought to have the benefit of a father, particularly a father who wants to be fully invested and involved in their lives. It drives him personally; it's an almost spiritual commitment. His father had a profound impact on his life, and he believes that other children ought to have the benefit of their fathers in their lives."

The media focused on McGreevey's every move and TV cameras filmed his divorce proceedings. When Haller's friends asked if he was nervous, he said, "No, because I've waited my whole life to command the attention of a lot of people. There's no question I'm going to do OK. I'm not going to embarrass myself."

Along with the custody battle, McGreevey's ex sought a six- to seven-figure alimony. Her reasoning was based on the financial calculus of "celebrity goodwill," which is the amount a person can earn as a result of simply being a celebrity (via lectures, TV, etc.). Her opposing counsel brought in a forensic accountant who stated that McGreevey's status gave him a celebrity goodwill evaluation equal to millions of dollars, but Haller attacked those claims and shredded the argument. The judge said the accountant's testimony was nothing but unreliable "guesstimates" and, according to press reports, awarded equal custody to both parents.

"Steve's cross was brutal," McGreevey says. "He asked question after question after question and when you look down and see his notes, they're meticulously prepared. What seems to be a sort of effortless flowing delivery of questions is actually the byproduct of a lot of hard work and thinking and deliberate positioning. That's what struck me, because his courtroom appearance is tenacious, aggressive, if not a bit edgy, but he knows precisely what it is that he's after, how he's going to ask it, and how far up against the line he wants to push. I remember looking down one time and thinking, 'Wow, he hit the right question.' None of it was accidental."

"For Mark and me, a gay couple who vote the Democrat line, we've become friends with Steve and his family. In large measure, the time that we've been afforded with our daughter is due to Steve. I think he clearly changed her life for the better. And I know he totally changed our lives for the better." ◀