

## Eric Lewis

### Truth, justice and Guantánamo Bay

Baach Robinson & Lewis is a Washington, DC law firm of great repute. Partner Eric Lewis, 49, is a successful commercial litigator involved in a controversial piece of pro bono work. He's suing former US Defence Secretary Donald Rumsfeld and ten military officials involved with the running of the Guantánamo Bay detention centre in Cuba. His clients are four British detainees who were released without charge, having spent two years in captivity. The next hearing is expected to take place within a month in Washington.

**I'm suing Donald Rumsfeld.** I was asked to do so by the English civil rights lawyer Clive Stafford Smith in London. He wanted a mainstream Washington, DC commercial lawyer who knew his way around the DC courtrooms. President George W Bush has launched an attack on the underpinnings of the rule of law that is truly unprecedented. My clients, four young British men, were simply in the wrong place at the wrong time. They are completely innocent. We have a strong tradition of civil rights work at this firm.

**My clients were nervous about pursuing the case.** They asked, 'Can we be sent back to Guantánamo if we fail?' The four young men are from the West Midlands. Their names are Shafiq Rasul, Asif Iqbal, Ruhel Ahmed and Jamal Al-Harith. I told Shafiq Rasul that, in 100 years, people will be able to say you sued the US government and won. You spoke truth to power.

**My clients were tortured.** We are also alleging prolonged arbitrary detention, cruel and abusive treatment and religious persecution. The defendants are hoping that they created, in Guantánamo Bay, a kind of legal lacuna.

**It's really been a Kafka-esque world.** At Guantánamo, the interrogators once played a videotape that showed dated footage of Osama Bin Laden and a man they believed was Shafiq Rasul in the crowd. He was actually working at Curry's superstore in Birmingham that day. There are a lot of young Muslim men with beards.

**Cases often have political dimensions.** The DC circuit, which is hearing the Guantánamo lawsuit, in recent years has been considerably more conservative than the Supreme Court. I do hope, however, that with good advocacy and some time and distance from the initial shocks of the post-9/11 world, the judges will see that the legal principles which we are advocating are fundamentally quite modest and conservative: that the Constitution inhibits torture and arbitrary detention, and that American officials need to act in accordance with these limitations. The spectres of government-sanctioned torture or of executive omnipotence should be highly problematic to any judge and to the institutional interests of the judicial branch.

**Law has changed for the worse.** This happened as soon as lawyers decided they wanted to start earning rock-star money. Leverage is the



only way to make rock-star profits. Our business model, just like our pro bono model, is not based on leveraging people but on leveraging experience, focus and strategic judgement. Clients should hire individuals.

**We have more African-American partners than firms 20 times our size.** As such, we've become well known, and attract the cream of African-American applications.

**One of our firm's top lawyers is 80 years old.** I respect age. I don't understand why UK firms want to retire their most valuable advisers. You get history, wisdom, and perspective.

**My firm has become retro-chic.** We're just 40 lawyers. This was once medium sized; now it's a litigation boutique, more like a barrister's set, I guess. However, since the large firms are so regularly conflicted, I get calls from other lawyers saying, 'Can you sue Citibank?' I say 'Sure.'

**My work litigating BCCI took me to around 20 countries.** It was a big catalyst for the firm's success. We won \$2bn in awards for its creditors. I hope it showed UK lawyers that a small US firm could be used. It takes a brave client to approve such a move.

**The main BCCI case in the UK was sad.** It became all about the barristers. A US judge would never have stood for it. Letting an opening last for a year! I get 12 minutes sometimes. At the end of the day, barristers have to work out that persuasion is not inundation.

**I want to take the testimony of Donald Rumsfeld.** That'll be quite some day.

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