

Sunday, November 13, 2005

Fieger attorney: Cox hurt probe

Campaign finance investigation by Oakland County at risk because of disclosure, lawyer says.

By [Ronald J. Hansen](#) / [The Detroit News](#)

Geoffrey Fieger's lawyer said Saturday that Attorney General Mike Cox misrepresented the origins of an alleged blackmail plot involving Fieger and blindsided Oakland County authorities by disclosing information about their pending investigation.

Oakland County Prosecutor Dave Gorcyca, however, remained quiet about the politically charged case Saturday.

In a stunning news conference last week that has jolted the professional prospects for both men, Cox told reporters that Fieger tried to coerce him into dropping a campaign finance investigation by threatening to reveal Cox had cheated on his wife.

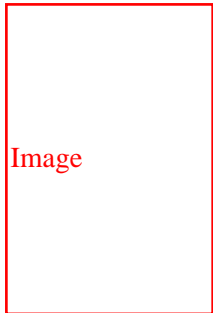
The wording of a voice message seemingly made by attorney Lee O'Brien first hinted at an unspecified threat against Cox by Fieger indicates the call was made on a Wednesday. Cox told reporters the matter began on Oct. 14, a Friday.

Apart from the criminal allegations, Cox has continued to publicly detail aspects of the resulting investigation -- including sharing the voice mail -- to undermine a fair probe, said Neil Rockind, one of Fieger's attorneys in the case.

Cox could not be reached for comment through his spokeswoman on Saturday.

"How could he be so confused as to what happened and when?" Rockind asked about the timing of O'Brien's first call. "He put this together in a way to force David Gorcyca's hand. He put him in the worst possible position."

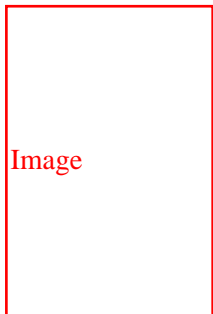
Gorcyca could make a decision this week about whether to file charges in the case.



Fieger

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Meanwhile, Cox has vowed to continue his criminal probe of the more than \$450,000 Fieger spent but didn't immediately disclose in an unsuccessful effort last year to oust Michigan Supreme Court Justice Stephen Markman. As that investigation moved ahead last month, Fieger publicly announced he wanted Cox's job.

Financial interests in the Markman campaign involved both Fieger and Cox.

A political action committee controlled by Cox donated \$34,000 to Markman's campaign in April 2004, state records show.

Fieger has dismissed Cox's actions as retribution for his intention to run for Cox's job.

"Mr. Cox's false accusations against me underscore that he is not qualified to be in a position of trust," Fieger said in a statement last week.

Beyond the risk of criminal charges that carry up to 20 years in prison, Fieger could also face professional sanctions.

Michigan prohibits lawyers from making threats or impeding criminal investigations. A proven violation of this nature could lead the Michigan Attorney Discipline Board to seek to suspend or revoke Fieger's law license. That could also cost Fieger elsewhere because other states typically would suspend or revoke his license, too.

Cox's political career could be toppled by the embarrassing disclosure and more substantive concerns about the way he oversees sensitive investigations, said Bill Ballenger, editor of Inside Michigan Politics.

"The repercussions for Mike Cox are not good," Ballenger said. Fieger is likely to continue bedeviling Cox if he fends off criminal charges, Ballenger said, and Cox would be especially damaged if no charges are ever filed.

"Either way it goes, there's going to be continued speculation" about Cox, Ballenger said. Resigning, once unimaginable for the rising Republican, "is not beyond the realm of imagination," Ballenger said. Cox said last week he was uncertain whether he will seek re-election next year.

Whether state bar officials are willing to push for an administrative sanction involving Fieger is another matter. If Fieger is acquitted or never even charged with a crime, it could make an administrative review more unlikely.

That's because Fieger has been the subject of complaints before and has fiercely contested professional attacks. A year ago, the Attorney Discipline Board voted 5-3 to dismiss a reprimand against Fieger dating to 1999, when the state Court of Appeals overturned a \$15 million judgment he had won.

Afterward, Fieger compared one judge to Adolf Hitler's mistress and told the three-judge panel: "I declare war on you."

In dropping the case against Fieger, the Attorney Discipline Board called Fieger's language "revolting," but decided he had not broken the state's rules for lawyers.

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