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Would You Want Roy Cohn as Your Lawyer?

By Joel Cohen

Of course, as Kai Bird reminds us in his thrilling new book, *American Scoundrel: Roy Cohn's Dark Journey from Joe McCarthy to Donald Trump* (Scribner, 2026) about Cohn's extraordinary excesses from McCarthy to Trump and in between, President Trump once famously asked in desperation, "Where is My Roy Cohn?" He uttered this *cri de coeur* when his first Attorney General, Jeff Sessions, recused himself from the Russia investigation, leading to the appointment of Special Counsel Robert Mueller and ultimately to the President's first impeachment.

As the President presumably saw it, had Cohn been in Sessions's seat atop the Justice Department at the time, *namby pamby* ethical issues that would have troubled less committed lawyers would hardly have constrained him. Cohn, as the nation's top law enforcement officer, would have seen no conflict in simultaneously conducting a criminal investigation of the President and defending him against those allegations at the same time. And for many, maybe most, people in trouble with the law or in need of bulldog advocacy, they might see it the same way, reasoning "I want a lawyer focused exclusively on protecting me at all costs *to him*, so-called conflicts on his part notwithstanding." As the singer-songwriter Bruno Mars might put it: someone who'll "catch a grenade" for me! Many clients might be bothered if they believed that God or Jesus or Allah, or even Oprah, would be troubled if they retained a lawyer who practices with no desire to apply or consider ethical guardrails. But, typically, they nonetheless wouldn't be held civilly or criminally responsible here on earth for that lawyer's excesses.

Consider this scenario (albeit not discussed by Bird), though, in which a grenade catcher seemingly wasn't necessary or relevant. Forty-five or fifty years ago in the second half of Cohn's legal career, a major New York builder had promised his adult stepson a piece of a real estate project which would yield the stepson, for doing absolutely nothing, several hundred thousand dollars annually, tax free, *for life*. A fortune in those days. But the builder, a few years later, divorced his wife (the mother of the stepson), and reneged on his extravagant lifetime promise. The stepson was thunderstruck, effectively crying out to his friend, Sidney Zion, a former New York Times reporter who became Cohn's friend and apparently unauthorized biographer, publishing the oddly titled book: "The Autobiography of Roy Cohn, by Sidney Zion." Zion told his friend, the stepson, that he simply couldn't let his former stepfather get away with reneging on the real estate promise.

So, Zion and the stepson met with Cohn -- perhaps the scariest lawyer in town. Uncertain here whether Cohn also actually represented the builder, Cohn basically told him "you can't do this to the kid. You've got to do the right thing. *You know what I'm saying?*" No question, the builder knew exactly what Cohn was saying. The builder promptly reversed himself and reinstated his promise. One call from the likes of Roy Cohn -- also a lawyer, perhaps *consiglieri*, as it were, to "Fat Tony" Salerno and other mobsters -- was all that it took. One can only imagine what Cohn might have done if the builder had instead refused to comply.

Afterwards, Cohn, Zion and the stepson had an elaborate dinner at Lutece to celebrate the incredible accomplishment. There, the stepson expressed his colossal gratitude for the job Cohn had done for him (which probably took a ten-minute phone call to the builder from the likes of Cohn). The stepson politely asked Cohn to state his fee. Cohn simply replied, as he apparently had often done to many beneficiaries of his unique skillset of persuasion: “Not to worry. You just owe me a favor.”

The stepson, hardly lacking in quick wittedness, and knowing Cohn’s reputation said: “*With great respect Roy, that’s a fee I simply can’t afford.*” After all, it was hard to know what a “favor” owed to men like Roy Cohn might have entailed! Cohn, fortunately, got over *merely* wanting a client’s deposit in his “favor bank” – a financial institution lacking any regulatory oversight whatsoever -- and agreed to a monetary fee. The story typifies, though, what one call from Roy Cohn might mean for someone requiring his unique capacity for persuasion, and what one favor owed to him might conceivably mean to an individual who would become thereby obligated to “God knows what”.

Now, the reference to “Fat Tony” isn’t intended to suggest that Cohn might have been counted on to threaten violence. Rather, the nature of the extraordinary contacts with whom he had easy persuasibility – *i.e.*, “don’t tell me the law, tell me the judge” -- would probably persuade most would-be clients who needed drastic help that Cohn was the kind of all-in advocate you would definitely want fighting for you. Who wouldn’t?

But what about his terrible reputation that understandably caused the well-chosen term “scoundrel” to surface in order to properly describe him? It didn’t seem to bother the likes of Cardinal Spellman, Barbara Walters, Mayor Abe Beame, William Buckley, Everett Dirksen, Jimmy Finkelstein, Andrew Stein, Ron Perelman, William Safire, Nancy and Ronald Reagan and so many others who stood up for him during his disbarment proceedings that shortly preceded his death.

Would any of them have hesitated to retain him if they required his services for a knockout punch on their behalf -- despite what he was willing to do to total innocents on behalf of Joe McCarthy; how far he was willing to go against Ethel Rosenberg including his constant *ex parte* conferences with Judge Irving Kaufman that basically encouraged the death penalty; for his conduct that led to his being indicted three times (although he was acquitted each time), and for all the other financial offenses that led to his disbarment? (I don’t mention here so many other extremely well-known supporters of Cohn, particularly as testimonial references during his disbarment proceedings, given that my readership would probably not be impressed by them as individuals concerned with ethical propriety).

The real question, though, is who do you choose as your lawyer when the chips are down? Do you choose a waspy, prestigious, Ivy League, white shoe litigator with an impeccable reputation who would never offend a judge or the prosecutor, even when they both unfairly have damaged you? Do you choose a battler royal who is willing to creep up to the line every time, and maybe even over it to zealously represent you? Or do you choose a Roy Cohn-type when you want your opponent to know without question that they’ll be in a fight of their lives? That is,

a lawyer who is never concerned about risking his own reputation because he thrives on having the precise kind reputation that says that there's absolutely nothing he might do on your behalf that he is worried about as being out of bounds?

I guess that the answer depends. Indeed, it depends on a number of things. How bad for you would it be for you to lose? How important to you would it be for you to win? And, without intending here to be judgmental, exactly *who are you as a person*? No one but the would-be client can really answer that question.

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