

# STEVE GREENBERG

## Pursuing a Passion in Criminal Defense

by Jo Layne

Emil Kozeluh was barely out of prison after serving six years for aggravated robbery in 2012 when he was arrested for the murder of Alexander Duran seven years earlier in Marquette Park.

The 29-year-old asked his mother and then-wife to find him an attorney, and they gave him three names. One was Steven A. Greenberg, 58, a leading criminal defense attorney and founder of Greenberg Trial Lawyers in Chicago.

With more than 30 years of experience, Greenberg has tried hundreds of felony cases to verdict in state and federal courts, defending against the most serious charges, with a significant number of acquittals.

Kozeluh chose Greenberg and says he knew he made the right decision when Greenberg got him out on bond, even though he was presumed to be ineligible. Then, although Kozeluh was the supposed gunman, and alleged to have confessed, he was found not guilty.

He describes Greenberg as highly intelligent and honest, saying his attorney never told him they were “100 percent going to win the case.” Instead, Kozeluh says, Greenberg walked him through the evidence and explained what looked good and bad for him.

“He fought like he was losing no matter what and fought as hard as he could to win,” Kozeluh says. “The guy saved my life.”

“I would have been found guilty if I didn’t have Steve. My co-defendant was found guilty of the same exact thing with the same evidence.”

Kozeluh adds that Greenberg helped him turn his life around after the trial. Kozeluh now has his commercial driver’s license and works full-time as a semi-truck driver. He is a father and is engaged to be married.

Greenberg explains that in Kozeluh’s case, as with all of his clients, he takes his responsibility for their defense and their freedom to heart.

“I am often all that stands between my clients and an extremely unfortunate and permanent turn of events in their lives,” he says. “You’re all they have. If you’re not invested, you’re not passionate, hardworking,



and you don’t believe in them and their case, no one is going to believe you.”

### DEFENSE-MINDED FROM THE START

Although Greenberg grew up in Chicago’s suburbs, his interest in defending the vulnerable began early. He was only 8 when his liberal-leaning mother took him and his older sister to the 1968 Democratic National Convention protests in Grant Park—an experience that helped spark his interest in law.

He also loved sports, being competitive and watching “Owen Marshall, Counselor at Law,” a television show that featured a seasoned defense attorney who represented clients in Santa Barbara, California, with the help of his young associate. He recalls wanting to move to California and be like the “cool, motorcycle-riding associate.”

While attending Indiana University, he won his first lawsuit and exoneration—successfully

suing to get back into college after he was kicked out, followed by an apology from the school. He graduated with a finance degree in 1982.

Greenberg moved to California and applied to several law schools. In those “pre-Internet” times, he didn’t realize admissions there were as difficult as Ivy League schools, leaving him with a slim chance of acceptance. He returned to Illinois and attended Northern Illinois University’s College of Law.

During summer break of his second year, he worked at the Cook County State’s Attorney’s Office. Assigned to death penalty and rape cases, he found himself doubting his desired career.

“I wasn’t really comfortable at first,” he says. “I grew up in a somewhat sheltered existence, so 26th Street was like nothing I’d ever seen or experienced.

“This was the mid-’80s, there were a zillion

cases, the place was just on overload. It was awful. And I did not believe the accused were treated fairly or even humanely.”

Greenberg clerked for the Kane County State’s Attorney’s Office during the school year before being, as he says, proudly fired for being “too defense-minded.”

He then set up his own firm after he graduated so he would have the autonomy to be as “defense-minded as his clients’ needs required.”

### SHARPENING HIS FOCUS

Working as an independent attorney gave Greenberg professional flexibility for practicing law.

“I see things from a unique perspective,” he says. “I was never a prosecutor, I was never a public defender, and I’m beholden to no one—all I want to do is win the case, and I am fearless in that pursuit.”

Greenberg’s perseverance and passion were key in building his business. He initially handled divorce, bankruptcy and misdemeanor cases until he discovered the Yellow Pages and took out a bank loan to buy an ad.

“I put ‘criminal defense lawyer’ in my ad, and the phone started to ring,” he says. “That’s how you got clients back then.”

Greenberg’s first jury trial came in DuPage County in 1988 when he represented a man charged with aggravated battery for fighting with a Villa Park police officer. Although his client lost at trial, Greenberg was convinced the judge made mistakes on the jury instructions. He researched case law, found a significant case, and used it to earn his client a new trial.

The client was acquitted at the retrial. Greenberg says he was only paid \$200 for the dozens of hours he put into the case; he was eager to learn about the law.

About a year later, he handled his first murder trial. This time, Greenberg asked an older, more experienced lawyer to help him on the case in exchange for his fee—a move he made several times over the next few years to learn how to become a better defense attorney.

Although he lost that case, 12 of his first 15 murder cases were reversed for errors he raised during trial, and only one was re-convicted. And while Greenberg says he doesn’t keep tallies of his wins and losses, he is an expert at “gumming up the record” so his clients have a fair shot at getting a retrial if they lose initially.

Greenberg credits George Patrick Lynch for being his mentor and influencing his practice. He remembers Lynch as a “big-time lawyer,” who taught him how to try a case effectively. They won at least two dozen cases together. They only lost one.

He learned from Lynch that even though

the courtroom is a serious place, it doesn’t have to be a somber place since that can feel like “going to a funeral for your client.” Instead, they made the presentation of the evidence interesting, joked around a little, and weren’t afraid to take an unpopular position and stick to it.

“Trials are 80 percent theater and 20 percent knowledge,” Greenberg says. “You can’t change the facts, you can only influence how they are presented and perceived.”

“To win the jury over, you have to make them like the client, enjoy watching you, and agree with the plot of the show you’re putting on. You need them to relate to the only character who matters, your client, and see things from their point of view.”

Greenberg believes that a defense attorney’s job is to win—not to know whether his client is innocent or guilty. And if he can’t win, he says, it’s his responsibility to minimize the damage for his client.

He thinks of himself as a risk manager, contending that in addition to providing legal advice, he sometimes needs to tell them, “This is as good as it’s going to get.”

“**He comes across more authentic and very real. He is not afraid to say what needs to be said for his clients.**”

“You have to break it down for them, ‘You have to take this deal because it’s the difference between getting out of jail in 2020 or 2030,’” he says.

Jon Loevy, name partner at Loevy & Loevy, a civil rights firm in Chicago, has known Greenberg for at least a decade and works often with him in overlapping criminal and civil cases. He describes Greenberg as one of the top—if not the top—criminal defense attorneys, and he agrees he is well known for his tenacity.

“He’s not constrained by formalism or the way lawyers are supposed to act,” Loevy says. “He comes across more authentic and very real. He is not afraid to say what needs to be said for his clients, even if it’s going to piss off the judges.”

### FIGHTING THE CASE

For Greenberg, the worst cases are ones where his client is innocent, and they lose.

He hardly ever abandons a case if he thinks his client received an unfair result—sometimes even handling the appeals for free. He estimates that 25 percent of his time is

spent on pro bono work.

He recalls a phone call from a woman in southern Illinois who told him the prosecutor in her husband’s murder trial made racist comments about the witnesses during closing argument. At first, Greenberg says he thought she misunderstood the comments, shocked that anyone today would say those things without objection.

He offered to handle the appeal for free if she provided the transcript and had told the truth. One week later, he received the transcript and saw the remarks for himself. He took the appeal pro bono, and the conviction was reversed. The county state’s attorney, who had made similar comments for 20 years, was removed.

In another memorable case, Greenberg represented a woman who was a former drug addict. She was involved with a police officer who gave her drugs in exchange for sex. He also beat her up. The final time, she shot him with his service revolver while he was in the shower.

“There was a lot of heat on the case because he was a police officer, but I ended up trying that case,” he says. “She beat the murder rap, and when she got out of jail, she went to college and really became a success.”

He adds that it’s cases like hers—where he can help make a positive difference in someone’s life—that make practicing criminal defense law so rewarding.

Greenberg has represented clients in infamous trials that made national headlines. In some cases, the trials led to changes in state law and city policies.

He represented Brian Dugan—a serial murderer and rapist who was serving life prison terms for several attacks on women and for the murders of nurse Donna Schnorr in 1984 and 7-year-old Missy Ackerman in 1985—when he confessed to also raping and killing 10-year-old Jeanine Nicarico in Naperville in 1983.

Two other men, Rolando Cruz and Alejandro Hernandez, had been convicted of Nicarico’s murder and faced the death penalty. They were retried three times before Cruz was acquitted and charges against Hernandez were dismissed. Dugan was charged with the murder in 2005.

Greenberg was appointed to represent Dugan in the DuPage County trial, and in 2009, says he received the first life verdict in the history of that county.

“We did really good work on that case because in DuPage County, as far as I know, no one had ever beaten the death penalty,” he says. “And here we have a serial child rapist murderer, the worst of the worst, so to speak. We did all of this brain science research and came up with the theory that psychopathy is a birth defect.”



Daughter Kalie Greenberg is now a TV news reporter in Madison, Wisconsin.



Son Ti Greenberg works for Apple in Cupertino, California.



Son Cole Greenberg, now an investment banking analyst, was an All-State running back.

Even though the jury initially signed off on a life verdict for Dugan, one of the jurors asked for more time as they waited to return to the courtroom. The jury was sequestered overnight, and after a dozen more hours of deliberation the next day, they decided the death penalty was appropriate.

“Afterwards, we found out from an article in the newspaper that the verdict had been changed, and we asked the judge about it,” Greenberg says. “He told me the verdict form was in his desk drawer. Years later, someone gave it to me.

“Our creative defense had initially earned

a life verdict on probably the most notorious death penalty case since Gacy or Speck.”

Two years later, the death penalty in Illinois was abolished, in part due to failings with the state’s capital punishment system demonstrated by this case.

#### CONSCIOUS OF THE WHOLE PROCESS

Matthew J. McQuaid, a former prosecutor-turned-defense attorney, worked with Greenberg on the Dugan case and calls him one of the best strategists and tacticians he ever encountered. He says Greenberg is always on the attack and thinks outside of the box.

“His plan is always unique and aggressive, and to me, he’s always conscious of the whole process,” McQuaid says. “He’s very successful on appeals because of the way he does it at trial. With Greenberg, the case is never over, even if there’s a finding of guilty.”

Greenberg represented Gloria Pinex in his only civil trial in 2016. Pinex’s son, Darius, was a 27-year-old father of three who was shot and killed during a traffic stop in 2011.

“His mother, Gloria, could not get anyone to take the case and sue the police because the police said they had to fire at Darius because he was driving at them and was going to kill them,” Greenberg says. “It just didn’t make sense that a guy would do that, and the physical evidence didn’t quite fit, so we tried the case.”

Greenberg had what he calls his “Perry Mason moment” when he discovered by questioning a witness that a city attorney had withheld a tape recording that proved the police pulled over Darius’ car for no reason. He won nearly \$2.5 million for Pinex.

Shortly after the ruling, Chicago Mayor Rahm Emanuel ordered an outside review of the police department, which ultimately led to more than 50 required reforms to address internal problems.

One of Greenberg’s most publicized cases involves Drew Peterson, a retired Bolingbrook police sergeant who was convicted for the murder of his third wife, Kathleen Savio, in 2012. The charges against Peterson came after Savio’s death was re-examined following the disappearance of his fourth wife, Stacy Peterson, in 2007.

After the initial jury trial, Greenberg continues to represent Peterson through appeals. He contends that the use of hearsay testimony, including statements Stacy Peterson made to her pastor and a divorce lawyer before her disappearance, should have never been allowed at trial. He also questions whether the divorce lawyer should have been allowed to testify about a phone call he received from Stacy Peterson about Savio.

Greenberg likes to say he’s “had defeat snatched from the jaws of victory a few times.”

“I just hate losing, and I hate people getting screwed,” he says. “It’s not fair. Just play by the rules and make it a fair fight, and that’s it.”

Greenberg says he feels most energized and inspired by his pro bono work. He also spends a lot of time with his three grown kids and could spend hours talking about their best attributes and individual successes.

“Every day I go home, one of the things I’m grateful for, besides having great kids, is that no matter how bad it gets, there are a lot of people who have it worse,” he says. “I see the worst of the worst, and I try to make it a little better in whatever way I can.” ■