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# Milwaukee attorney getting national tax reputation

## Bernhoft defended Snipes against tax filing charges



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Milwaukee attorney Robert Bernhoft was high-minded before he successfully defended actor Wesley Snipes on tax charges in a recent headline-grabbing Florida trial.

Even Bernhoft's Web site had a swagger, claiming his firm's "acquittal rate is unheard of" in tax cases.

"If you don't have a bit of an ego and some self-confidence in this business, you can't win cases," Bernhoft said in a recent interview in his Milwaukee office. "Yes, we have attitudes at this law firm and we don't apologize for them."

Bernhoft also doesn't apologize for the stocked bar in his office.

"It was a gift from my staff," he explained. "It's nice, isn't it?"

So, what is an admittedly arrogant guy with a branch office in Malibu, Calif., and clients scattered around the country doing in humble quarters in Milwaukee's 3rd Ward?

"I've lived in southeast Wisconsin largely all of my life," said Bernhoft, who attended high school in Wauwatosa. "Milwaukee is doing a lot of things the right way and I have no intention of leaving."

But while Bernhoft is happy in Milwaukee, he relishes tackling high-profile cases around the country and his work defending Snipes will bring him more.

Bernhoft, a 47-year-old father of three, graduated from the University of Wisconsin Law School in 2000 and opened The Bernhoft Law Firm SC a year later. He's lived in the Washington County village of Jackson since law school, choosing it as home because it offers peace and quiet and still is an easy commute to Milwaukee or Madison.

By day, Bernhoft is the sole shareholder and president of what he calls "a national boutique litigation practice." Three attorneys and three paralegals work for him.

The practice takes controversial cases that "the government wants very badly to win," he said.

The most recent was in February, when a federal jury returned a mixed verdict against Snipes, the action movie actor who starred in the vampire trilogy "Blade."

The jury found Snipes guilty of three misdemeanor tax filing charges, but acquitted him of three other tax filing misdemeanors and two felonies, fraud and conspiracy. The felonies could have landed Snipes in prison for 10 years.

The case was viewed as the most prominent undertaken by the federal government since hotel magnate Leona Helmsley was convicted of tax fraud in New York in 1989. Bernhoft said the government's decision to prosecute Snipes backfired with an embarrassing defeat.

"That's the double-edged sword for the government in picking these high-profile cases," Bernhoft said.

U.S. Attorney Robert O'Neill, lead prosecutor in the case, insisted the verdict will have no impact on how he does his job.

"It doesn't enter into the equation," said O'Neill, who is based in Ocala, Fla. "Every case is looked at individually."

O'Neill said he would welcome facing Bernhoft again.

"It doesn't matter who is on the other side of the courtroom," O'Neill said. "It was a pleasure dealing with him and I told him that.

"He was extremely polite and very professional."

## SECOND CASE

It was the second time Bernhoft made headlines defending Snipes. The first came in 2004 when he filed a lawsuit to block a New York family court effort to obtain a DNA sample from Snipes for a paternity suit brought against the actor based on the allegations of a woman who claimed to have met Snipes in a crack house. The paternity case was eventually dismissed.

“A law professor he knew in New York suggested me to Wes,” Bernhoft said.

Bernhoft said he developed a reputation for taking on the government before becoming an attorney.

“I’ve always been involved in third-party politics,” Bernhoft said.

In 1997, while Bernhoft was still in law school, the U.S. Department of Justice filed a lawsuit against him and another man when they operated a business called Morningstar Consultants, which, among other things, promoted a program they called “De-Taxing America.” Federal prosecutors won an injunction prohibiting distribution of the program, which they said encouraged filers to seek improper refunds.

Bernhoft represented himself in the case, which dragged on for three years, and even though he lost he still views the work as worthwhile.

He says his acquittal rate in tax cases these days is 50 percent.

In 2003, Bernhoft snared headlines when he represented a former FedEx pilot in federal court in Tennessee where she was found not guilty of six counts of tax evasion accusing her of skirting a tax liability of nearly \$1 million. In 2005, Bernhoft represented a former IRS agent turned tax activist who was acquitted in a California federal court of helping others file false tax returns.

Bernhoft won’t be at Snipes’ side April 24 when he is sentenced on the misdemeanors in Florida.

Prosecutors are recommending the maximum incarceration possible, three years in prison, and a \$5 million fine. Bernhoft said probation was typical in such cases.

“Wes made a decision about going with a different team for sentencing and I respect it,” Bernhoft said.

His firm, meanwhile, is representing third party presidential candidate Ralph Nader and a group of other political activists in U.S. Appeals Court in San Francisco, where they are attempting to overturn a variety of election laws.

After a series of 11th-hour maneuvers on behalf of Nader in 2004, Bernhoft convinced the Wisconsin Supreme Court to put Nader’s name on the state’s presidential primary ballot over the objections of the state’s Democratic Party.

“We’re used to people telling us we can’t win these cases,” Bernhoft said.