

Trump Special Counsel Jack Smith Known For Skill, Integrity

By Hailey Konnath

Law360 (November 18, 2022, 11:27 PM EST) -- Jack Smith, the newly appointed special counsel taking over investigations into former President Donald Trump, has decades of experience leading sensitive, high-stakes investigations into public corruption and war crimes and has a reputation for moving tough investigations along "without an agenda," according to former colleagues.

"You're going to hear the same thing over and over again," said Colleen Kavanaugh, a former federal prosecutor who worked with Smith at the U.S. Attorney's Office for the Eastern District of New York. "It may be boring reading, but it's true. He's just an incredible choice for this position."

The U.S. Department of Justice announced Friday that Smith would be taking over probes into interference in the 2020 election and classified documents found at Trump's Florida home. U.S. Attorney General Merrick Garland said appointing an independent prosecutor was the "right thing to do" now that Trump has officially announced his intent to run for president again in 2024.

Smith is the former head of the Justice Department's Public Integrity Section, and has spent recent years as chief prosecutor in a special court investigating the war crimes in Kosovo. His former colleagues describe him as "unflappable," a gifted courtroom lawyer, skilled investigator and dedicated career prosecutor who "knows how to follow the evidence and the law without an agenda."

Kelly Currie, who also worked with Smith in the Eastern District of New York, said that he's a "great choice" for the position.

"He's going to do a really thorough evaluation of the evidence, and he's going to give a straight-forward recommendation," Currie said, adding that Smith is accustomed to handling sensitive cases with political overtones.

Most recently, Smith has been in The Hague, Netherlands, tackling war crimes. Before that, he spent five years at the helm of the Public Integrity Section overseeing big corruption cases, including the 2013 conviction of Arizona Rep. Rick Renzi for extorting a mining company into buying land from a former business partner and the **2015 conviction** of former Virginia Gov. Robert McDonnell for accepting \$120,000 in gifts in exchange for promoting a donor's tobacco-based health supplement.

Renzi was pardoned by Trump in 2021, and McDonnell's conviction was eventually overturned by the U.S. Supreme Court.

At the time of his appointment to that post in 2010, he was hailed as a "prodigious prosecutor" for his work with the Manhattan District Attorney's Office and the U.S. Attorney's Office in Brooklyn.

Smith's notable cases include obtaining guilty pleas from former employees at a Georgia military base in May 2013 for taking bribes to divert business to a local trucking company in a scheme that resulted in millions of dollars in overcharges to the government and the June 2012 conviction of a U.S. Army sergeant and his associate in a \$24 million government contracts bribery scheme at a Kuwaiti military base. He also handled the prosecution of a former Arkansas state judge who slashed a wrongful death verdict by \$4 million in exchange for a bribe.

On top of public corruption and war crimes, he's handled cases involving violent crime and gangs as well as white collar and financial fraud, according to the Justice Department. He also worked a stint as first assistant U.S. Attorney for the Middle District of Tennessee.

Andrew Weissmann, another former federal prosecutor and former chief of the Justice Department's criminal fraud section, told Law360 that Smith is "a prosecutor's prosecutor."

"He has been a career prosecutor for decades, across numerous administrations, and does not have a political bone in his body," Weissmann said Friday. "To boot: he is as fast as lightning, cutting to the chase in his investigations, and does not get waylaid by irrelevant side issues."

He added that Smith "surely knows the complete drubbing he's going to take" from certain corners of the media, but he has "the thick skin and fortitude that is required to brush that off for what it is."

Currie, who's now a partner at Crowell & Moring LLP, said in an interview that Smith is an "outstanding investigator," one who can see the big picture, understand where gaps may appear in the evidentiary portrait and find ways to fill those gaps.

Currie started in the Eastern District of New York in 1999, the same time as Smith. They worked together until 2008, when Smith began working on international war crimes.

"Investigative agents always love working with Jack," Currie said. That's because Smith gave clear direction as to what was needed to develop a case, not just in terms of the law but also gathering evidence that a jury is going to understand, he said.

And Smith has a knack for persuading reluctant witnesses to testify as well as a good instinct on when people are not being completely forthcoming, Currie said.

"Jack has a real, genuine way about him that helps convince people to come forward," he said.

Kavanaugh, who tried cases alongside Smith in the Eastern District of New York, told Law360 that the political nature of the Trump inquiries is "not going to be a factor for him." Smith has the ability to keep his head down and get a job done without being distracted by the high-profile nature of it, she said. He's investigated and overseen some of the most sensitive matters handled by the Justice Department, and now he's prosecuting war crimes and crimes against humanity, which Kavanaugh said are some of the hardest cases out there.

Being a federal prosecutor means prosecuting Democrats, Republicans and everyone in between, Kavanaugh noted. She's now the chief legal and compliance officer at the fintech company CoinFlip.

"That's your job. You don't have an agenda. You prosecute without fear or favor, and that's the job," she said. "And he excels at it."

Kavanaugh and Smith handled an emotional and closely watched case in which two New York City police officers were killed by a gang while undercover.

"I saw it firsthand with Jack," she said. "You keep your head down, you interview your witnesses, collect the evidence, put your case to the jury and nothing else matters."

Smith, a Harvard Law School graduate who earned his undergraduate degree from the State University of New York at Oneonta, began working as a prosecutor in the 1990s. He ultimately served in the Manhattan district attorney's office for nearly 15 years before being promoted to serve as the chief of criminal litigation in the Eastern District of New York.

Shortly before becoming chief of the Public Integrity Section, Smith oversaw all investigations of alleged war crimes at the International Criminal Court in The Hague, according to the DOJ.

At a New York University Law School panel on corruption in 2011, Smith said, "Often I go places and the first thing I hear is, 'No, we don't have a corruption problem here, Jack.'"

"And my immediate reaction is, 'You definitely have a corruption problem,'" he said at the time.

Garland said Friday that Smith has built a reputation as an "impartial prosecutor who follows the facts where they lead."

Smith said in his own statement that he would "conduct the assigned investigations, and any prosecutions that may result from them, independently and in the best traditions of the Department of Justice."

--Additional reporting by Jess Krochtengel, Carolina Bolado and Caroline Simson. Editing by Emily Kokoll and Jay Jackson Jr.