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[Gov. Rick Perry Indictment Timeline](#)

Texas Titans: A Look at the Texas Players in Perry Case

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Gov. Rick Perry's fight against felony charges will be a battle of titans between two Texas lawyers with stellar reputations, arguing before one of the most well-respected visiting judges in the state.

The advocates are special prosecutor Michael McCrum of San Antonio and criminal defense lawyer David Botsford of Austin. For now, they will argue before Senior Judge Bert Richardson of San Antonio, also the Republican candidate for the Texas Court of Criminal Appeals.

Lawyers who know McCrum and Botsford say their work on Perry's case will make for an interesting legal battle.

"You've got a really, really smart, capable prosecutor and defense lawyer. It's not going to be one of those mismatches, where someone is grossly outlawyered on the other side. These guys are both on the top of their game. They are as good as you are going to find," said Geary Reamey, a criminal law professor at St. Mary's University School of Law in San Antonio. "I think Bert will do what he thinks is the right thing to do based on the law."

Reamey explained that he and Botsford were classmates in law school, and Reamey taught criminal law courses to both McCrum and Richardson.

Philip Hilder, a former federal prosecutor, said he served on a professional committee with McCrum, and he's worked on federal criminal cases with Botsford.

"They are both very methodical in their own ways, and I think both very clever attorneys," said Hilder, principal in Hilder & Associates in Houston. "It will be interesting because they may collide head-on, but there will be a lot of strategy that goes behind each of their decisions. ... It's going to be an interesting game of chess to watch this case unfold."

Perry faces charges of abuse of official capacity and coercion of a public servant.

In June 2013 Perry vetoed \$7.5 million in biennial funding for the Travis County District Attorney's Public Integrity Unit. The move followed a drunk driving conviction in April 2013 of Travis County

D.A. Rosemary Lehmborg.

The Aug. 15 indictment in State of Texas v. James Richard Perry said that between June 10 and June 14, Perry used "means of coercion" by threatening to veto Legislature-approved funding for the public integrity unit unless Lehmborg resigned as D.A.

The Prosecutor

McCrum, owner of the McCrum Law Office in San Antonio, didn't return a call seeking comment.

Earlier, Texas Lawyer asked McCrum how it feels as an attorney to be in such a position.

McCrum replied, "I think anybody in this position would feel a great responsibility and duty to do all that he or she can do to make sure that everything is done appropriately, righteously, under the law. So I feel that—I feel a great responsibility and duty toward the citizens of the state and the citizens of Travis County, as well as to Mr. Perry and his family, to just make sure everything is done appropriately."

According to a resume on his law office's website, McCrum earned an undergraduate degree in criminal justice from Southwest Texas State University in 1978. McCrum then worked a police officer in Arlington and Dallas for four years.

He earned his law degree from St. Mary's University School of Law in 1985. He was a civil litigator for four years and then returned to the criminal justice world, where he has stayed since then.

From 1989 to 2000, McCrum was an assistant U.S. attorney in the U.S. Attorney's Office for the Western District of Texas in San Antonio. During his stint, he was chief of the General Drug Unit and the Major Crimes Unit. For the latter role, McCrum oversaw prosecutions of public corruption cases, among other things.

McCrum then jumped the criminal justice bar.

He operated a solo practice in San Antonio from 2000 to 2007. Next, he launched a white-collar practice as of counsel at Thompson & Knight in San Antonio. He opened the McCrum Law Office in 2011.

Reamey said that McCrum had "a reputation for being a very, very capable, fair, but tough prosecutor."

Now, as a criminal defense lawyer, said Reamey, "he's one of the handful of go-to lawyers in the criminal defense side for people who have high-profile cases or complex cases and can afford to get the very best talent."

Alan Brown, founder of Brown & Norton in San Antonio, said that when McCrum was an assistant U.S. attorney, he prosecuted cases against Brown's clients. McCrum was fair, even-handed and reasonable, he said.

Brown knows McCrum better as a criminal defense lawyer. McCrum represented Brown in a federal criminal tax case. There was a three-month trial ending in a not-guilty verdict, Brown noted.

McCrum was observant, paid attention to intricacies of the law and commanded the facts of the case, he said.

McCrum wouldn't bring an indictment against Perry unless McCrum "believes in it," said Brown.

"He's a person of a lot of integrity," said Brown. "He also has courage—Mike has a lot of courage. That is what would really separate him from a lot of people."

The Criminal Defense Lawyer

Botsford, a partner in Botsford & Roark in Austin, didn't return a call seeking comment. But his legal assistant emailed Texas Lawyer a copy of Botsford's resume.

He earned an undergraduate degree in economics from the University of Connecticut in 1974. He then earned his law degree in 1977 from Southern Methodist University School of Law. Botsford is board-certified in criminal law and criminal appellate law by the Texas Board of Legal Specialization.

The resume didn't detail Botsford's work history, but Reamey said Botsford has practiced criminal law since 1977.

He's earned high honors in the criminal defense world.

The State Bar of Texas Criminal Justice Section in 1993 named him "Outstanding Criminal Defense Lawyer of the Year." This year, the Texas Criminal Defense Lawyers Association inducted Botsford into its "Hall of Fame." He was TCDLA president from 1996 to 1997.

E.G. Morris, the lead attorney in the Law Offices of E.G. Morris in Austin, worked closely with Botsford when he was TCDLA president. Morris added that he and Botsford have worked together on multiple cases.

Botsford has "superb" skills in researching, writing and advocating for clients, he said. Morris has seen from Botsford's work product that he puts in "hours and hours of work" and is "relentless in his preparation." Botsford is so honest and trustworthy that "you could shoot dice over the telephone" with him, said Morris.

He said Botsford is "one of the best lawyers in the country.

"I wouldn't limit it to Texas. I would say best in the country. I think he is extremely bright and very, very tenacious. He is a hard worker. He has good skills as a trial lawyer as well as an appellate lawyer. He is a true advocate in every sense of the word," said Morris.

Reamey said that he and Botsford were classmates in law school and worked closely together on the law journal. Botsford always wanted to be a criminal defense lawyer, he noted.

"This is where his heart is. This is where his passion is," said Reamey. "David is just one of those guys who is born to do this. This is his natural role in life. He comes equipped with all the tools to do it at a very high level."

The Judge

Richardson is a full-time senior judge who takes assignments to preside over cases across Texas. He declined to comment.

He presided from 1999 to 2008 over Bexar County's 379th District Court. He was first appointed by Gov. George W. Bush. Ten years later, he was voted out of office in a partisan sweep.

According to Richardson's campaign website, he was previously an assistant U.S. attorney in the Western District of Texas.

He and McCrum worked in that office at the same time.

Richardson was also an assistant district attorney in Bexar County. He is board-certified in criminal law.

Reamey, who taught Richardson at St. Mary's, said they still talk "fairly frequently."

"He has an excellent reputation in Bexar County for being a really fair-minded jurist," said Reamey. "He has a reputation for being thoughtful."

He said one of a judge's most important attributes is the willingness to learn and know the law.

"Bert's sort of constant quest to learn more about what he is doing is especially commendable," he said. "He's very, very quick to go to legal experts he knows for assistance to help him understand the law."

Lawyers who have practiced before Richardson also give him high praise.

Bob Phillips, the owner of Robert M. Phillips & Associates in Georgetown, tried a murder case before Richardson.

"He's one of the best trial judges I've ever had the privilege of litigating a case in front of," said Phillips. "He's extremely well versed in the law and [has an] extremely moderate temperament."

Brown said that he tried a number of cases before Richardson in San Antonio.

"Everybody liked him in the courthouse. He was a fair judge," said Brown. "He wasn't just quick to do something. You could see him really give it deep thought and concern with being fair and doing what is right."

Bracing for War

Brown said that McCrum would bring fairness and integrity to the prosecution of Perry.

"If the facts are there, then Mike would certainly be a person who could make the case," said Brown. "It seems to me like it's going to be a hard case. If anyone could do a hard case, it would be Mike McCrum. But Mike McCrum will be fair. He won't change reality. The facts will make the case."

But some predict that Botsford's work will influence the case as well.

"I think that having David representing him, there is virtually no chance there will be a conviction," said Morris. "David's working on the case ensures an acquittal."

Hilder and Reamey both said they expect to see a lot of action in the pretrial phase of Perry's case.

"Sometimes you have cases actually fought in the courtroom, in trial. In this case the fight is going to begin long before the courtroom," explained Hilder. There will be "a heavy motion practice" that challenges the law in motions to dismiss and "a lot of briefing," he said.

Reamey also said he thinks that the "legal issues" will come out in the pretrial phase.

"I think both David and Mike will give Bert the very best quality arguments on that," said Reamey. "It might end in some kind of legal solution as opposed to a political solution or verdict."

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