

## Areas of Defense

[DC DUI / DC DWI](#)

[DC Assault](#)

[DC Drug Possession](#)

[DC Armed Robbery](#)

[DC Murder](#)

[DC Gun Charges](#)

[DC Fraud](#)

[DC Sex Offenses](#)

[DC Conspiracy](#)

[DC Driving Offense](#)

MAY 6, 2011

### ["I Didn't Think it was Possible, but you're worse as a litigant than you are as the Redskins' Owner" - A DC Trial Lawyer's Perspective on Dan Snyder's Lawsuit](#)

*This post was written by David Benowitz, a [Washington DC DUI attorney](#) and founding partner of Price Benowitz LLP. David received an LL.M in Trial Advocacy from Temple University, is a member of the National College for DUI Defense, and is a Board Certified Criminal Trial Advocate by the National Board of Trial Advocacy, for his work as a [Washington DC criminal defense attorney](#).*

In the interest of full disclosure, I have been a New York Giants fan since I was about three years old. I've lived in Washington, DC for almost twenty years, and the Redskins' off the field decision making and on the field play have provided me with unending pleasure. I laughed hysterically when the Albert Haynesworth deal was announced, since it was clear to everyone except owner Dan Snyder that there was no way he was worth \$40,000,000 guaranteed. The Redskins are run in completely the opposite way that the Giants are operated. Here's a little secret, big free agent signings, poor drafts, and constant coaching and system changes will kill your team. By the way, thanks for Antonio Pierce, who signed with the Giants for a reasonable amount of money and led the defense to a 2007 Superbowl victory because someone in your office forgot to call his agent back to respond to his counteroffer.

To top it off, as a response to an [article](#) in the Washington City Paper chronicling the ridiculous number of ways in which Snyder has run the team into the ground, Mr. Snyder decided to sue the paper and author Dave McKenna personally for defamation and libel in a local DC court. Basically, what that means is that Mr. Snyder is claiming that the City Paper deliberately published false information that injured his reputation. Since Mr. Snyder is a public figure, he has to demonstrate that the City Paper made the statements at issue with "actual malice," which means that either the City Paper and McKenna knew the statements were false or acted with reckless disregard for their truth or falsity. When I heard about the lawsuit, I decided to take a look at the complaint and see if it had any merit.

In the complaint, Mr. Snyder chooses to label the cover photo of the article as "anti-Semitic," presumably as a way to attribute some animus on the part of the author. I'm a Jew who grew up subjected to an inordinate amount of anti-Semitism; I'm pretty sensitive to that type of attack. I think I'm qualified to say that the cover does not appear to me to be in any way intended to slur Mr. Snyder religiously or ethnically. It is also ridiculous that Mr. Snyder makes this complaint as the owner of a team whose very name is in fact an ethnic slur decried by the Native American community.

## Areas of Defense

[DC DUI / DC DWI](#)

[DC Assault](#)

[DC Drug Possession](#)

[DC Armed Robbery](#)

[DC Murder](#)

[DC Gun Charges](#)

[DC Fraud](#)

[DC Sex Offenses](#)

[DC Conspiracy](#)

[DC Driving Offense](#)

What's most interesting is that the complaint alleges that the "cover art...depicted the Jewish Mr. Snyder in a blatantly anti-Semitic way, complete with horns, bushy eyebrows, and dollar signs. [Complaint, p. 4.](#) Now if there were dollar signs in the art, Mr. Snyder's argument might have a little more merit as it might arguably be playing into a longstanding stereotype about Jews, but I don't see them. I'm not sure if this is wishful thinking on the part of Mr. Snyder or his attorney, but there are no dollar signs in the art depicted on the City Paper's website or in the exhibit attached to Mr. Snyder's complaint. At any rate, as a Jew that is sensitive to these types of slurs, my impression of the cover art was that it was clearly intended to depict Mr. Snyder as Satan, which he represents to many fans of the team.

Mr. Snyder claims that the allegation in the article that "Dan Snyder...got caught forging names as a telemarketer with Snyder Communications is a completely baseless allegation." [Complaint, p. 7.](#)

I did some basic research and came up with a [press release](#) issued by Florida Attorney General Bob Butterworth in 2001.

Mr. Snyder never admitted that he personally did anything improper and he was never charged with forgery. But to sue claiming that the claim is an "egregious falsehood," Complaint p. 7, when your representatives were accused by Florida law enforcement of thousands of instances of forgery? In my opinion, that's a tough argument to sell to a jury.

Mr. Snyder claims that an allegation in the City Paper article that he "cut down trees protected by the National Park Service" and "made a great view of the Potomac River for himself by going all Agent Orange on federally protected lands" is false. Complaint, p. 7. Again, I did about five minutes of research and found a Washington Post article and accompanying report issued by the Inspector General's Office of the Department of the Interior. The [article](#), referring to the official report, says:

A high-ranking National Park Service official improperly helped Washington Redskins owner Daniel M. Snyder broker a deal to cut down more than 130 trees on a hillside between his Potomac estate and the C&O Canal, according to a report by the Interior Department inspector general's office.

The 2004 decision should have been left to park biologists and horticulturists, who had advised against the deal on federally protected land, and should have been opened to public debate, the report says. After an eight-month investigation, the office concluded that P. Daniel Smith, then special assistant to the director of the Park Service, intervened to help clear Snyder's view of the Potomac River.

## Areas of Defense

[DC DUI / DC DWI](#)

[DC Assault](#)

[DC Drug Possession](#)

[DC Armed Robbery](#)

[DC Murder](#)

[DC Gun Charges](#)

[DC Fraud](#)

[DC Sex Offenses](#)

[DC Conspiracy](#)

[DC Driving Offense](#)

The report does not accuse Snyder of doing anything improper when he got permission to clear 50,000 square feet of mature trees and replace them with saplings. But it does suggest that he had access to top Park Service officials that other citizens might not have had.

In a [memorandum](#) that accompanied the report written by Inspector General Earl Devaney, Mr. Devaney indicated:

Our investigation also revealed that the unprecedented decision to allow Mr. Snyder to cut on the easement resulted from the undue influence of P. Daniel Smith. Smith inappropriately used his position to apply pressure and circumvent NPS [National Park Service] procedures, on Snyder's behalf, through his personal communications with park officials and Mr. Snyder and his representatives.

The letter continues:

...In December 2004, Montgomery County cited Mr. Snyder for violating the county forestation code, Chapter 22A-4, and fined him \$1,000. The following year, in August 2005, Mr. Snyder reached a settlement with the Maryland National Capitol Parks and Planning Commission and was required to implement a restoration planting plan that included reforestation of 1.3 acres of land cleared by Mr. Snyder, enhanced planting outside the cleared area, the purchase of the equivalent of three acres of land to be deposited in a forest conservation bank (minimum to be spent-\$37,000), permanent protection of existing forest, and the posting of a \$45,000 bond for two years of maintenance costs.

The publishing of the Washington Post article and IG's report in 2006 did not result in a lawsuit by Mr. Snyder. So what's his complaint? The use of the words "Agent Orange," which seems to be a clear attempt at hyperbole? I think it would be difficult for Mr. Snyder to succeed on a claim that the City Paper or McKenna was reckless.

Finally, Snyder takes issue with a section of the article that states that "Snyder was tossed off the board of directors at Six Flags." Complaint, p. 7-8. My preliminary research indicates that there was a complicated series of transactions and actions taken by various players involved (i.e. shareholders, banks, board members). Whether Mr. Snyder was forced to resign, or voluntarily relinquished his seat under is somewhat unclear. Again, not the type of claim that's appealing to a jury.

What's more important to me is that Mr. Snyder doesn't protest at all the rest of the article's allegations, which basically say that he has continuously gouged the team's fans and provided an inferior product, and that he's run his team like a fantasy football squad.

## Areas of Defense

[DC DUI / DC DWI](#)

[DC Assault](#)

[DC Drug Possession](#)

[DC Armed Robbery](#)

[DC Murder](#)

[DC Gun Charges](#)

[DC Fraud](#)

[DC Sex Offenses](#)

[DC Conspiracy](#)

[DC Driving Offense](#)

In his op-ed piece in the Washington Post, Mr. Snyder attempts to defend his decision to sue McKenna and the City Paper. I'm not sure what the City Paper's circulation is, but I guarantee you that Mr. Snyder has kept this story alive through several media cycles. Who does this? The thrust of the article was his catalog of idiot moves as an owner, not the issues raised in the lawsuit, and after a few days, who cared about the article anyway?

The only way the lawsuit makes sense is if this is an elaborate plan to distract Washington fans from the pitiful performance of the team with a legal maneuver that will most likely increase bad feeling towards Mr. Snyder personally. Most civil cases settle, but in the unlikely event this goes to trial, does Mr. Snyder expect to find a sympathetic group of jurors in the box, considering what he's subjected them to during his tenure?

Here is the most damning thing I can say about Daniel Snyder. This is the team's record since he took over in 1999:

Year	Record	Play Offs
1999	10-6	Yes (1 Win)
2000	8-8	No
2001	8-8	No
2002	7-9	No
2003	5-11	No
2004	6-10	No
2005	10-6	Yes (1 Win)

Isn't the smart thing to do simply shut up and run your team better?