



Defense lawyer's famous roar is muzzled

Bruce Cutler successfully fought for John Gotti. He's ready to pounce in Phil Spector's murder trial -- but his client won't let him.

By Peter Y. Hong, Times Staff Writer
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Bruce Cutler planned to maul the prosecution.

The acclaimed New York defense lawyer expected to fight like an escaped animal from the Bronx Zoo to keep legendary record producer Phil Spector out of prison, as he had done three times for the late mob boss John Gotti.

But for the last four weeks, Cutler has sat silently as other attorneys took on Spector's murder defense. Instead of a courtroom predator, Cutler has been like an expensive statue adorning the defense table.

"I don't want to be like the lions in front of the New York Public Library," he said, referring to the marble icons Patience and Fortitude.

"A lion's got to roar," Cutler told a reporter recently over dinner, as he sliced a bloody rare steak. "I have been muzzled."

"Phillip needs me" to win over the jury. "He needs my oomph, bang and emotion," said Cutler, who is known as much for his theatrics as his legal skills.

Spector put Cutler on a short leash last month after Los Angeles County Superior Court Judge Larry Paul Fidler had scolded the lawyer for shouting at Dianne Ogden, who had tearfully described Spector pressing a pistol to her face and forcing her to spend the night with him in 1989.

Ogden's account closely matched the murder scenario that prosecutors said occurred the night of Feb. 3, 2003, when actress Lana Clarkson was shot to death in Spector's Alhambra mansion. The defense contends that Clarkson shot herself.

Ogden, her voice trembling, proclaimed that she was testifying only because she had been subpoenaed and that she wanted to "protect" Spector.

Cutler still treated Ogden as if she were a hostile witness.

"You formed an opinion!" he shouted at her. At that point, a seething Fidler interjected. "You will not point and yell at witnesses in my courtroom — ever!" Fidler said.

Two weeks earlier, Cutler had given a blustery opening statement. The police and

prosecutors had "murder on their mind" and had railroaded Spector, he bellowed.

Although Cutler's courtroom performance offered plenty of action for the television cameras, people familiar with the defense team said Spector, his other lawyers and jury consultants thought Cutler flopped where it mattered — with the jury.

Cutler would not comment on why he was squelched, instead speaking of his need to get back in the game so that he could save Spector.

The trial has now hit the doldrums. The last few weeks have been heavily laden with clinical testimony and cross-examinations of a coroner and detectives.

Such testimony is unavoidable and important — but dull. Out-of-town reporters went home. And Paris Hilton's court troubles quickly overshadowed the murder trial of one of the most influential pop music producers in history.

Without drama, Cutler thinks the Spector jury, like the general public, may pay less attention to the trial. "Trial work is theater. Of course it's drama. It motivates, it inspires jurors to do what they think is right," he said.

Often portrayed as a rough-hewn street fighter, Cutler is in fact a cultured man. The Brooklyn background he plays up includes high school at Poly Prep, one of that borough's most-esteemed academies. A graduate of the tony Hamilton College in upstate New York, he sprinkles his conversation with literary and cinematic references.

His elocution mixes Brooklyn with Basil Rathbone, the Sherlock Holmes actor, as in his description of the current state of the defense: "DE-sultory! DE-sultory! Look it up! DE-sultory!"

Cutler has been with Spector the longest of his six attorneys. He sits next to Spector in court, and they heartily kiss each other on the cheek each morning.

"He's my soul mate," Cutler says of the music producer. "We get one another."

Unfortunately, "Phillip" — Cutler always calls Spector by his first name — remains a mysterious figure to jurors, the lawyer said.

Cutler has downplayed three women's testimony that the music producer had pulled guns on them in the past, calling Spector "a romantic from a bygone era" who just wanted the women to stay with him. Just like the old tune, Cutler said, singing: "Staaay, just a little bit longer."

To know him is to acquit him, Cutler said. "The jury needs to know Phillip. They can only know him through me," he said.

Cutler nevertheless is a fish out of water. He and the other defense lawyers say they work well together. But Cutler, who is staying in Pasadena during the trial, doesn't join the rest of the team in strategy sessions at their downtown hotel. And he often lunches with reporters instead of his fellow lawyers.

He detests the rundown, smelly criminal courts building; the bathrooms are a particular

horror to him. His misery recently was on display when, just after stepping into a bathroom, a toilet gushed filthy water across the floor. The rushing stream barely missed his custom-tailored wool trousers and calfskin loafers.

Cutler can become testy when things don't go his way, snapping at waiters when his food isn't hot enough, for instance. This time, however, he seemed too sickened to get upset. "I'll see you outside," Cutler said softly as he walked out of the bathroom.

Unhappy as he is in Los Angeles, Cutler doesn't return to New York on weekends. Twice divorced and currently single, he marked his 59th birthday alone in his hotel. "I'm a lone wolf; I identify with Phillip that way," he said.

Cutler expects to deliver the closing argument to the jury, but doesn't want to wait until then to get up from the table.

"I believe in Phillip. I am the only one who can wield the cudgel, heavy enough, light enough, to free him," he said. But Cutler must first convince his client and colleagues.

Nominally Spector's lead lawyer, Cutler likens his plight to that of the lead character in one of his favorite films, "The Bridge on the River Kwai." Cutler said he could identify with the Japanese commander of a prison camp who must have his British prisoners build a bridge on time, or kill himself in dishonor. But the prisoners take control of the construction work, thus eroding his authority.

"He has a feeling of helplessness. He has defeated the enemy but he cannot conquer them," Cutler said. "He is all alone."

peter.hong@latimes.com
