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Crooked Ex-Lawmaker Was Real Consultant

Wiggin and Dana attorneys clear former CVS executive

Lawyers from **Wiggin and Dana** recently won a defense verdict for former CVS Vice President John R. “Jack” Kramer in Rhode Island federal court after Kramer and a co-defendant collectively faced 46 counts of bribery, mail fraud and conspiracy.

The two were part of a probe into influence peddling at the Rhode Island statehouse and specifically came under fire for allegedly paying former Rhode Island State Sen. John Celona to kill legislation opposed by CVS or sponsor bills the company supported.

But **David B. Fein**, of Wiggin and Dana’s Stamford office, and **Scott D. Corrigan**, of its New York office, were able to convince the jury that Celona was a lawfully hired consultant for CVS who was paid \$12,000 per year to promote the drug store chain on a cable-access television show.

At the time Celona agreed in 2000 to promote CVS, he served on several legislative committees that deal with health care and pharmacies. Celona was paid for about three years of consulting work with CVS before he resigned from the General Assembly in 2004 after pleading guilty to fraud charges stemming from his employment by a Rhode Island hospital. He is imprisoned in Pennsylvania.

“It was perfectly lawful to hire Celona as a consultant, under Rhode Island law,” Corrigan said. Legislators in Rhode Island are part-timers who hold jobs outside of the General Assembly, Corrigan noted.

Fein and Corrigan said it was rare for such a case to go to trial because of the cost and because settlements often bring lighter sentences. Each count carried a maximum of five years in prison for Kramer; his lawyers said he vowed to fight because the charges were “unfounded.”

Celona was the government’s chief witness, and he told the court that he had had no job duties as a CVS consultant.

Fein and Corrigan countered by playing



Contributed Photo

David Fein and Scott Corrigan of Wiggin and Dana obtained a favorable verdict for ex-CVS Vice President Jack Kramer, who was accused of bribing a Rhode Island state senator.

clips of Kramer’s appearances on a television show hosted by Celona, on which Kramer talked about a charity golf tournament and road race that CVS sponsored. The Wiggin and Dana attorneys offered the show as proof that Celona earned his paycheck and had been paid according to CVS protocol, down to filing a 1099 form as an independent contractor.

“Scott [Corrigan] made sure the jury saw the reality of John Celona’s testimony,” Fein said. “Scott did a devastating cross-examination.”

The Wiggin and Dana lawyers also credited the 12-person jury for their attentiveness and detailed note-keeping during the trial. **Chief Judge Mary Lisi’s** trial day ran from 9 a.m. to 1 p.m. with just one 15-minute break. “It was an intense four hours each day with no lunch break,” Fein observed.

The jury heard three weeks of testimony, and Kramer’s lawyers felt confident that they

had effectively presented through cross-examinations that Celona had been doing legitimate consulting work. “After the government rested, we didn’t feel the need to call witnesses at all,” Corrigan said.

The jury took 90 minutes to return its not guilty verdict.

The U.S. Attorney’s Office in Providence declined to comment on the verdict. It prosecuted the case along with the Public Integrity Section of the U.S. Department of Justice. After the verdict was announced, Rhode Island U.S. Attorney Robert Clark Corrente told *The Providence Journal* that the government “brought the charges that were justified by the evidence that we had.”

Wiggin and Dana’s trial team included white-collar associates **Rob Hoff, David Clune, Suzette Gordon, Michael Stanitski and Chris Clay.** ■

—Douglas S. Malan