

Ruby Takes Stage, But Arguedas May Steal Scene

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SAN FRANCISCO — After years of speculation on what a defense team headed by Allen Ruby and Cristina Arguedas would look like at trial, the curtain has lifted.

Ruby, who has been the public face of the team, was front and center as the Barry Bonds trial got under way, delivering the opening statements and conducting unrelenting cross examinations of the government's first three witnesses. It's been a slow reveal for Arguedas, who tops national "best lawyer" lists and who had a hand in picking both the judge she's before and the U.S. attorney whose office is trying the case.

After briefly probing potential jurors in a split *voir dire* with Ruby and firing off a couple of objections to the government's questioning of the panel, she has done little in public view but watch her teammate meticulously work to discredit government witnesses and offer Bonds pats on the back.

"So far the witnesses have been Ruby's witnesses, and certainly Arguedas will have some witnesses before it's over," said Farella Braun & Martel's William Keane, the former federal prosecutor who defended track star Trevor Graham in a BALCO prosecution. "But there's absolutely no question, if Cris Arguedas is on your trial team, she has a major say on your strategy both inside and outside the courtroom."

Not only are expectations and interest high in the team's performance because of the unexpected pairing of Ruby and Arguedas — with their seemingly similar talents — but this is also a rare time to see Arguedas, head of Berkeley's Arguedas, Cassman & Headley, in trial. It has been eight years since she was last before a jury.

Her turn at bat should come Monday when Bonds' ex-lover takes the stand and details all the unseemly information that the defense has tried hard to keep from jurors.

Arguedas is expected to be charged with the tricky task of discrediting Kimberly Bell, who will testify that Bonds admitted to her that he was using steroids and that he showed physical signs of steroid use, such as shrunken testicles and changes in sexual behavior. And Arguedas, who early in her career worked on behalf of battered women, will have to deal with potentially damaging testimony about an instance of alleged domestic violence toward the end of Bonds' and Bell's secret affair.

In a pretrial hearing, Arguedas had made an [impassioned plea](#) for U.S. District Judge Susan Illston to bar that testimony, saying delving into domestic violence would, understandably, have an incendiary effect on the jury. But Illston sided with the government, which hopes that line of testimony will help paint the "roid rage" picture.



Cristina Arguedas
IMAGE: Shelley Eades/The Recorder

Bell will be up after two IRS agents detail how they transported a Bonds' urine sample that the government says tested positive for steroids.

Also presumed to be subject to Arguedas' grilling is Kathy Hoskins, a former assistant to Bonds, who the government hopes will at least shore up the perjury count dealing with injections, by saying she saw former trainer Greg Anderson inject Bonds in the navel.

Why are these two female witnesses expected to fall to Arguedas? Some have speculated it's because a woman can better pick apart their testimony without looking like a bully.

Peter Keane, a law professor at Golden Gate University's law school who has been following the trial, says that's too simplistic of an analysis.

"Mainly, they'd be looking for who is the best person to conduct this cross-examination," he said. "In many of those regards, it's clearly Cris."

She has killer instincts, and a real talent for feeling out a witness as she goes, he said.

As for Ruby, he worked for the better part of a day and into the next morning to poke holes in key witness Steve Hoskins' testimony — successfully drawing out a timetable of events that could help show the friend-turned-enemy had ulterior motives when he conducted a secret recording in which Bonds' trainer purportedly discussed injecting him with steroids. Ruby got the witness to admit gaps in his knowledge — like when or where key events that he testified to occurred — and got Hoskins to claim that he had something like 50 conversations with Bonds' orthopedic surgeon, Dr. Arthur Ting, about Bonds and steroid use. What Ting recalls about those conversations when he takes the stand later in the trial will be key.

As for whether the jury will hear from any of the other members of the giant defense team, odds of that are looking slim. Arguedas partner Theodore Cassman, who had his hand in plenty of pretrial motions, takes his seat with Ruby, Arguedas and Bonds at the defense table. Another member of her firm, Michael Anderson, is often busy typing away at a second defense table where a couple of Skadden, Arps, Slate, Meagher & Flom associates busy themselves. The appellate team of Dennis Riordan and Donald Horgan have been on the back bench, scribbling notes and offering an occasional whisper, but are not expected to perform before the jury.

The prosecution, by contrast, has only two lawyers at the table, and their work has been watched by J. Douglas Wilson, the office's deputy criminal chief. The newest member of the prosecution, Merry Jean Chan, a young lawyer who works in the appellate division, has been on hand and filed one brief since trial began.