



A CASE FOR

DOING RIGHT & GIVING BACK

By Pamela J. Willits



In what may be the most publicized legal case Cleveland has seen since the Sam Sheppard trial, **Antoinette (Thomas) Bacon '93** recently became the focus of public attention as the lead prosecutor for the Jimmy Dimora trial. Yet, as the Assistant U.S. Attorney tasked with convicting the former Cuyahoga County commissioner on racketeering charges, Toni remains self-effacing.

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Whether she’s prosecuting white-collar criminals or teaching children to swim, Toni remains true to lessons she learned in Key Club at Padua. “It’s all about what you can do to take the talents God gave you and use them to serve others,” she says. The high expectations and strong work ethics she has set for herself are reflected in the public service she has chosen as her profession, as well as in her time spent volunteering.

DRAWING ON PADUA’S PHILOSOPHY

Based on lessons learned in school and professional life about the importance of giving back to one’s community, Toni found a way to combine this philosophy with her past experience on Padua’s swim team to benefit children.

Volunteering at a local YWCA, she became a swimming coach, teaching kids more than the butterfly stroke she was once known for at Padua. She instilled in them the importance of setting goals, how to turn those goals into reality, and the value of earning a sense of accomplishment.

When she asked her students about their own life goals, the list ranged from wanting to go to college to becoming a business tycoon - only it was spelled “typhoon.” While the latter one makes her laugh, she’s serious about the impact adults can have on improving a child’s life. “You can’t put into words the feeling you get when you see these kids maturing and growing.”

Toni also recalls memories of her former music instructor, Mr. Wayne Miller, who recruited her to Padua on a music scholarship for percussion. “He was a Padua icon, known for his distinguished tenure, attention to detail, and work ethic.”

When asked about the somewhat unconventional choice of musical instruments, Toni credits her father’s influential words — “why not drums, those look fun.” You might say his daughter has been marching to the beat of her own drum ever since.

HONING HER SKILLS

It was during her undergraduate years at American University that Toni decided to become a prosecutor. Working in the sex offense unit of the U.S. Attorney’s Office during her freshman year inspired her to help people, by making the city and community a safer place. United States Attorney General Eric Holder was the U.S. Attorney who hired Toni as an intern, so she credits A.U. and Mr. Holder for putting her on the path to becoming a prosecutor.

Spending a semester in Paris, gave her the opportunity to intern at the World Bank. “Mr. Lorz, our French instructor at Padua opened my mind to wanting to see the world. Eastern Europe was really starting to boom then...my job was to help support the finance ministers.”

Returning state side, Toni went on to attend law school at the University of Virginia. There she interned at the local prosecutor’s office where she got her first taste of “real world experience in what it is like to be a trial attorney. It was a great chance to make mistakes and learn my way around and really grow into my skin as a lawyer.”

THE RISE OF A PROMISING CAREER

Following graduation and a stint as a clerk for a U.S. District Court judge in Virginia, Toni went to work for the U.S. Department of Justice’s antitrust division in Cleveland. “I liked economics in college, and these complicated white-collar cases intrigued me because they are big puzzles.” After years of dealing with street crime, Toni was drawn to the challenge of

working with data and documents. “I wanted to try something more cerebral in terms of piecing together these complicated schemes.”

While at the Antitrust Division, Toni gained experience investigating public corruption. That experience would lead to a position with the U.S. Attorney’s Office for the Northern District of Ohio. Assigned lead prosecutor of the team responsible for prosecuting former Cuyahoga County Commissioner Jimmy Dimora on charges of racketeering, Toni’s career has continued to soar upward. Following the trial, U.S. Attorney Steven Dettelbach promoted Toni to Senior Litigation Counsel, a position where she will take on expanded responsibilities, while continuing to prosecute complex cases.

Having competed in the 2009 Arnold 5K Pump & Run, a competition that combines weightlifting and running, Toni acknowledges similarities in training for a marathon and the process of getting ready for trial. “What you do the year before dictates how you’re going to perform that day. It’s the same with a trial, you don’t begin prepping for trial the night before opening statement.”

She also recognizes the need for teamwork. “If you don’t have a good team, you’re not going to try a good case.” And given the magnitude of the Dimora trial, it would take a team of investigators and prosecutors, each going the distance to reach the finish.

THE FALL OF A PUBLIC OFFICIAL

Following years of investigative work, a 36-count, 148-page federal indictment was filed against Dimora, alleging he used his public office as a base for his criminal activities. Characterized as a power broker, Dimora stood accused of defrauding the public by using his position to enrich himself, family, and friends.

With investigative support from the FBI, IRS agents followed the money, examining bank accounts and tax returns.

Evidence showed that Dimora received bribes in the form of cash, home improvements, trips, expensive meals, entertainment, jewelry, and prostitutes. In



As cameras were not permitted in the courtroom during the Dimora trial, a local television station began a nightly reenactment of the trial using hand puppets. At the end of the trial, an unnamed participant presented Toni with this avatar.

exchange for personal gain, Dimora used the power of his office to award jobs and attempt to fix court cases, as well as to assist selected contractors in gaining an advantage over others.

Attempting to cover his tracks, Dimora sought forged, backdated invoices from contractors for work completed at his home. To paraphrase a line from Shakespeare – what tangled webs mere mortals weave. Dimora would come to find himself caught up in his own web of deception.

Held in Akron, the trial was presided over by U.S. District Judge Sara Lioi. Smacking of Chicago-style politics, charges against Dimora included bribery, extortion, obstruction of justice, and racketeering. Over the course of seven weeks, the prosecution called 65 witnesses. The six days of jury deliberation resulted in a verdict of guilty on all but one count.

During her closing statement, Toni characterized the trial as “a long journey through a dark world,” referring to Dimora as the “king of the county” who broke the public trust by “buying and selling power and influence.”

The corruption probe, which began in 2007, is the biggest crackdown on public corruption in the county’s history. Overall it has netted convictions against more than 60 county employees and businessmen. More await trial. It has also led to an unprecedented reform of county government within Cuyahoga County.



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NOT THE NORMAL NINE TO FIVE

The life of an assistant U.S. attorney is both physically and mentally demanding. The months leading up to trial involve over 100 hour work weeks. A typical trial day starts at 6 a.m. and ends after midnight. Trials also include a 9 a.m. to 11 p.m. Saturday and Sunday commitment. During a trial, Toni says exercise, sleep and a social life are nonexistent.

It's during those times she relies on family and friends to help carry the day-to-day responsibilities, while she addresses her caseload. She credits her husband, mother, and neighbors for being there for her during the Dimora trial. "My husband did all the cooking, cleaning and laundry, even when it meant having dinner on the table at ten o'clock at night – and then he would do the dishes, all without saying a word."

The families of each of the trial team members also sacrificed tremendously, spending many weekends and holidays alone, while shouldering all of the household chores. As for the trial team, Toni says instead of listening to Christmas carols on Christmas Eve, they listened to dry runs of her opening statement.

TRIAL AND TEAMWORK

Despite being the lead prosecutor in the Dimora trial, Toni is quick to point out that trials are all about teamwork. Drawing a parallel between sports and legal trials, she says "lessons you learn in high school athletics transfer to a litigation setting."

At the beginning of a trial, she starts a file of notes containing the best quotes from witnesses, key documents, and the best pieces of evidence that demonstrate her overall message. These all become snippets for the closing statement. Before writing her closing, she pulls the legal team together for a brainstorming session and asks what components of the trial stood out for each of them.

For the Dimora trial, her opening statement ran an hour and twenty minutes. Her closing statement ran 3 ½ hours long - a career record for Toni. She spoke from memory — no notes. When asked about the process of writing a closing statement, she says it's the same every time. "I pace around my living room for hours, thinking about what the case is really about at its core. I think about

how I would explain to a layperson what's in my heart, what I want to communicate." And her ability to communicate would lead to Dimora's March 2012 conviction.

On July 31, he was sentenced to 28 years in prison for racketeering, amongst other charges. During a press conference that followed, Toni spoke about the hard work and dedication of the FBI and IRS agents who contributed to the investigation. In video footage posted on YouTube, she offered the following thoughts – "The women and men who have lead this investigation have given up countless nights, weekends and holidays... this case was built on their backs...their tireless work and dedication stands as a shining beacon of public service."

CONTINUING TO MAKE A DIFFERENCE

Toni hopes the notoriety of the Dimora trial will inspire others to want to make the community a better place. "Coming to work every day to make a difference goes back to what they teach you at Padua. You don't become a prosecutor for the money or the glamour, you do it to make a difference."

With the Dimora trial behind her, she has a brief respite before starting another trial stemming from the countywide corruption probe. However, relaxation doesn't seem to be part of her lexicon. She likens the period after a trial to that of completing final exam week at college. "It's the feeling of decompression. It takes a while for your body and mind to adjust. It's different for everyone and it's different for every trial."

Now that the Y has a new swimming coach, Toni is looking forward to her next community project. Having recently joined the Cleveland United Way's Women's Committee, she's helping conduct a workshop designed to provide women with job interview and resume writing skills. And who better to get career advice from than a woman with her own list of career successes.

