



## Fox Rothschild Podcast

### The Presumption of Innocence

#### Episode 31: An Introspective Look at Bridgegate: Bill Baroni's Journey

*Featuring Matt Adams of Fox Rothschild and Bill Baroni*

**Adams:** Hi, everyone, and welcome to "The Presumption of Innocence," a podcast brought to you by the White-Collar Criminal Defense & Regulatory Compliance practice at Fox Rothschild. I'm your host, Matt Adams, a partner and Co-Chair of the practice.

And today we are going to take a stroll down memory lane with the political scandal that rocked New Jersey. We have Bill Baroni with us today and... let me set the stage for us before we jump right into it. It's 2013. Gov. Chris Christie is facing reelection in New Jersey in the gubernatorial race. And he is also simultaneously the presumptive front runner for the Republican nomination for president of the United States in 2016.

And lo and behold, the fall of 2013, scandal breaks out in New Jersey. It is alleged that as political retribution, the lanes of traffic are closed at the George Washington Bridge. And like any good political scandal, the term Bridgegate is born.

And we're joined today by Bill Baroni. Bill was swept up in that scandal. And we're really going to take a linear look at his experience, because Bill's is a story of going the distance. Bill took his case all the way to the United States Supreme Court and was vindicated when his conviction was overturned by a unanimous Supreme Court. And in these days, the Supreme Court doesn't even order lunch unanimously, let alone overturn a criminal conviction.

But Bill, let's take this and set the stage for the audience from the outset. You're a former member of the New Jersey Legislature. You're a lawyer. You're a law professor. And in 2013, you are the Deputy Executive Director of the Port Authority of New York and New Jersey, which is the largest transportation organization in the United States, if I'm not mistaken. A pretty big job.

And scandal hits. And you're swept up in it. Where are you and how do you first learn that what has now become known as the Bridgegate scandal had broken and you are right in the middle of it?

**Baroni:** Well, Matt, thanks so much for letting me join the podcast today, and thanks to Fox Rothschild for putting together this really important podcast. I remember when I was going through those number of years of investigation and trial and appeal and prison and Supreme Court. Looking for resources to provide information was difficult to find. I think this podcast, I wish it had been around, or at least I'd known about it back when I was going through it.

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You know, as you said, and thank you for the very overly kind introduction, I had worked in politics since I was a kid. I started in politics, I was 14 years old. And I was working for my then-congressman, is still congressman from New Jersey, Chris Smith. And, you know, worked in presidential politics and went on to law school and came back to New Jersey. And was working as an election lawyer, mostly for Republicans, but also for Democrats. And eventually got elected to the Legislature.

And so, I was a reform legislator. I believe in government reform, believe in government transparency and got elected to the assembly in the Senate. I was in the state Senate and Chris Christie, who was someone who I had supported for Gov. became the Gov. and named me to the top New Jersey position at the Port Authority. And throughout those years, as you said, it's the largest transportation agency actually in the world, and oversees bridges and tunnels and the port and six airports and six Hudson River crossings and two bus terminals and the largest port on the East Coast of the United States. And also the rebuilding of the World Trade Center. And this was an incredible job, an incredible opportunity working for a great organization of the Port Authority.

**Adams:** And the headlines were everywhere. You couldn't walk down the street without seeing the cover of a newspaper, probably, with your picture on it.

**Baroni:** Well, the first thing I recognized was after I got fired in December of '13, mid-December. I immediately got on a plane home to Ireland. And Matt, you and I've talked before, I have dual citizenship in Ireland, I have family in Ireland. I go there a lot. And it was just like, let me get out of here, let me go home to Ireland.

Again, I, at this point, thought this was a political issue. Never thought this was a law enforcement issue. And I said, "Let me just get out of here for a little bit and I'll come back right before Christmas." And so I did. And I'm there in Dublin and it was there! You know, it was because Gov. Christie was the front runner for president. This was suddenly a huge story and it literally was international. I'm sitting at a cafe on Grafton Street in Dublin and I'm reading a story about Bridgegate.

**Adams:** Did you feel like you had the presumption of innocence on your side?

**Baroni:** I don't think anyone has the presumption of innocence. I know, I'm sorry to make it sound that way. We say that, you know, we read the constitution to say that, we teach our kids that, you know, you're presumed innocent. You're not presumed innocent. The moment and accusation is made, it is believed. And that is really unfortunate.

**Adams:** And this was the headline. This was everything. This was everywhere you went, including in Dublin, Ireland. So you're sitting in this cafe.

**Baroni:** And there I'm reading about Bridgegate

**Adams:** When does the light bulb go off that I am a subject or target in a criminal investigation?

**Baroni:** Again, still not at that point. To me, this was still politics. This was politics. This was New Jersey politics. This was presidential politics. And, you know, it's one of the risks you take when you



go into politics. Matt, you're an elected official, you know what this is like. I mean, it's a risk you take. And it was, I got burned.

But again, at this point, I'm sitting in Dublin in the lead up to Christmas of 2013. This is a political problem. I had to worry about getting a job, but this is a political problem.

**Adams:** When did it become a law enforcement problem? When are you now, "oh, wait a second, I might end up in handcuffs."

**Baroni:** I still didn't think that. I, so I get back and I had retained a great guy, Mike Himmel, from Lowenstein, because I had to answer a request for documents. So the state Legislature had asked for all these documents. And I provided them all. Like, I, you know, I didn't take the Fifth. You know, I was like, "Look, this is a political issue." Some of them were embarrassing, but none of them were criminal. And let's give them the documents. Yeah, it'll be embarrassing, but let's give them everything.

So, some others in the case went to Superior Court in Mercer and fought the turn -- and won -- fought turning over the documents. I turned the documents over. Why not?

**Adams:** Right.

**Baroni:** Again, this was a political issue. I didn't do anything legally wrong.

**Adams:** So, what happens next?

**Baroni:** So, then January 8, 2014, I think that's right. That's when the "time for traffic in Fort Lee email" came out and the world blew up. I think the next day, the U.S. attorney, Paul Fishman announced an investigation. And, David Wildstein, who became the government's chief witness, took the Fifth in the state Legislature. And that's when the light bulb went off. I'm like, "OK, this is real." But again, the problem, even in January of 2014, and all the lawyers both working for me, and then just sort of in the conversation, I remember I kept on saying, "What's the federal crime? Like, what's the actual crime that the U.S. Attorney's Office would charge me with?"

So, you know, it's one that you rob a bank, right? You go and you rob a bank and you get caught. And you're like, "Okay, well, I know what they're going to charge him with. They can charge him with bank robbery." We couldn't figure out what the charges would be, because it was such a unique... by the way, we didn't know what the charge would be for another year and a half.

**Adams:** Wow.

**Baroni:** I mean, we're walking around like, you know, they're doing all this investigation. That's sort of part of the hard thing, right? So instantly, in January 2014, the world blows up. It goes from a big story to everywhere. And I remember getting up in the morning and going over and getting the newspaper. In the *New York Post*, a newspaper that my father to this day still receives, gets hand



delivered to the house, there I am on the front page of the *New York Post* with a big, my picture and the words, "Cover-up."

Now, you asked about presumption of innocence. You know, *New York Post*, which is a great newspaper, one of the top 10 read newspapers in America, putting your face on the front page with the word cover-up.

**Adams:** No prefatory language about alleged cover-up, huh?

**Baroni:** Oh, no, no, no. And the other thing that starts to happen very quickly is the press doesn't call you for comment. I'm not one of these people blame the press for everything, but, like, at some point, they no longer call for comment.

So I'm being written about. They're not even calling my lawyers ... you just become sort of open season. And because it was so big... and then the Gov. held his three-hour press conference.

**Adams:** I remember that.

**Baroni:** And, you know, not a bad political tactic. Answer every possible question, you hope it goes away.

And clearly it did not go away. You know, by January, end of January of '14, we now learn that the government had already started bringing witnesses in to come and visit with the government. I remember the prosecutors, the U.S. Attorney's office, reached out to my lawyer saying, "You know, the first one in gets the best deal. You know, come on in and tell us what, you know,." And my lawyer, Mike Himmel, kept saying, "What's the crime?"

**Adams:** Exactly.

**Baroni:** "What are you, what are you investigating him for? Before I bring him in, what are you investigating him for?"

**Adams:** So, here it is January of 2014, Bill, and you're, in the court of public opinion, you done it, right? And in the judicial system behind the scenes, which is often misunderstood by the general public, you're attempting to understand the legal theory so that you can defend yourself. And there's a lot of people in your position. A lot of our clients and white-collar defendants in general who are in that position.

What's that anxiety like? Where do you go for support when you have the world seemingly coming down on you as the scapegoat for this political scandal?

**Baroni:** Great question, because a number of things all happen at the same time. So, you know, I've been in politics, like I said before, since I was 14. Many of my friends were in politics, people I've worked with every day. All of a sudden, they fell into two groups, essentially. The political people, they were either potential witnesses in the case. Everybody's --



**Adams:** So they're not talking to you because they're getting legal advice not to talk to you.

**Baroni:** Everybody in the Port Authority, nobody could talk to me, right? And by the way, I understand that. I got it at the time. I understood it then. People you know, that I worked with, I couldn't talk to them. I understood it then. I understand it now. But then there's this whole other group of people in politics, people whose careers I helped make, people whose jobs I got for them, people whose advice I gave them, elected officials who I got elected, who disappeared instantly. Instantly. Like, I had some bubonic plague. I would say 90% of the people I knew from politics disappeared.

And no matter who you are-- doesn't have to be the Bridgegate case. You all of a sudden get notified you're a target or a subject or something of a federal investigation, or, you know you're under investigation -- because they didn't tell me I was a target until later in 2014, till the summer. And it's difficult. And who do you turn to? I was very lucky that I have a group of friends, both in New York and New Jersey, that could care less what my job was. They were just my social life friends and they still are to this day, 10 years later. Some of the most amazing, extraordinary people, and they didn't care. They were there. They, in some ways, rushed towards me as everybody else was rushing away.

**Adams:** It seems like you know who your true friends are real fast.

**Baroni:** One of the very few benefits of going through something like this is you learn exactly who your friends are. And I can tell you that, as I said at my sentencing, is my friends in the LGBT community here in New York that really rallied around me. And I could tell these are people that were clearly coordinating with each other. Who's going to take Bill to dinner on Monday? Who's going to take Bill to dinner on Tuesday? Like, it was very clear to me. And my friends that I graduated from UVA law school with. And some of my former students at Seton Hall. You know, and I had taught at Seton Hall starting 2003, so by this point I had 10 years of students. A number of them affirmatively reached out.

So it's one of the lessons that if anybody's listening to this, and, you know, someone who's going through something like this, reach out to them. I don't need you to solve my problem. I don't think my neighbor, my friend from high school, whatever, can solve it. But reach out to me. Like, this is a very traumatic moment, and you really can't reach out to your lawyers. Because as Mike Baldassare, my fantastic criminal defense attorney, the trial attorney, said to me, "I can't be your lawyer and your counselor." But my therapist that I would see for sort of, like, life, you know, my psychiatrist that I see for life, he's like, "I don't know what to tell you. I've never been in a situation where my client is on the front page of the *New York Times* every day."

It's very, very hard. And emotionally it's very, very hard. And the problem is the normal people you turn to, a lot of them, you can't talk to about. And then the people you can talk to, you can't talk to right? Because you can't tell them all the details of what's going on. So you go from living in central New Jersey and all of a sudden your world gets really small. And everyone who goes through this, no matter what, has that experience. And it's awful. And it makes you very lonely. And it adds to the



pressure to get it over with: I just want my life back, I just want to move on. And it's right away begins to put the pressure on: make a deal plead guilty. Get it done. Make a deal. Plead guilty. Get it done. Because you just want your life back.

**Adams:** And we're just in the investigative phase at this point, right? We haven't even been charged.

**Baroni:** Right. And so at this point, it's a few weeks later, I get a job at an amazing law firm in Princeton, Hill Wallack. Took a job there as a lawyer. And an incredible place, a terrific firm that was very loyal to me. It took me on when nobody else did. Because all of a sudden you feel like nobody wants you, right?

**Adams:** My law school roommate's a partner there. I know the firm well.

**Baroni:** Right. Well, make sure you tell him. I said nice things about the firm. And you're at that point where everybody's running away. The people who, like, come to you and say, "Look, we're going to hire you." You remember those folks.

And so I did that and went there. And every day I was -- at this point, still had my apartment in the city because you had to have that working for the Port Authority -- and so I was taking the train from New York to Hamilton every morning. And then taking the train back at night. And every day I'd be on the train. And when you're on New Jersey transit and you're going out of Newark Penn Station, heading to Hamilton going southbound on the train, you look over and you see the U.S. Attorney's Office. And every day, I knew that Paul Fishman and his team of really, really smart lawyers were investigating my life.

**Adams:** And how long did that last? I mean, I can't imagine--

**Baroni:** Oh many many months.

**Adams:** I can't imagine the anxiety. And in a typical white-collar case, I'm frequently in the position of telling my clients that this is a marathon and not a sprint. And they typically do not want to hear that. And I'm sure you were being told something similar to that and that it was going to take a while for the investigative phase to play out. But how long did your case stay in that investigative phase before you had some clarity on whether you'd be charged?

**Baroni:** It's always difficult to disagree with the podcast host, but I disagree with it's a marathon versus a sprint.

**Adams:** Okay.

**Baroni:** Because you know how long a marathon is.

**Adams:** There you go.



**Baroni:** Right. You know, I have cousins, they're big marathon runners. And when they ran the New York marathon, the Boston marathon, or coming up the Chicago marathon, the Berlin marathon, they know it's 26 point, whatever it is miles. So, you pace yourself knowing that okay, look, there's the finish line in Central Park. Like, I can get there.

You don't know if you're running a marathon, a double marathon or a super. Like, you just, you just keep running, hoping you get to a finish line. And I keep coming back to this -- because you don't know where the finish line is, you don't know if there's ever going to be a finish line. You think it, and eventually you start to say, you know, I'm going to give up on the marathon.

**Adams:** Many people plea in that.

**Baroni:** Right. Exactly. And so it's worse than a marathon, because you don't know when it's going to end. And so it went from a whole lot of media attention about the case to a whole lot of media attention about the politics of the case and not a lot about the law. Like, what was happening in Newark. And I guess at some point around June of '14, there was an article in... I don't know, some magazine with, you know, quote "sources" in the U.S. Attorney's Office saying that Baroni and Kelly and Stepien and Wildstein and a handful of others were certain targets of the investigation, certain to be indicted. And a handful of other people, largely from Gov. Christie's administration, were also going to be indicted. This whole --

**Adams:** And you're reading about this in the news. This isn't being told to you.

**Baroni:** Oh, yeah. So I call Mike Himmel and, "I said, what's this all about?" And I may have the time, I'm a little mixed up, but, calls to his attorney's office. They do a call a couple of days later and I'm told I'm a target of the investigation. And at this point, Baldassare was on board and, it was clear, and I said to Mike, Baldassare, I said, "What does it actually mean?" He said, "Well, basically being a target investigation means the federal government decided a crime has occurred and you did it. And they're going to go prove that."

And at that point, the world changed. Because now it was not, all right, this is politics and they can't even define what the crime is going to be. But they still didn't tell us. And both Mikes asked, they wouldn't tell us what the crimes are. Again, I robbed the bank, nobody would tell me I robbed it. I'm just being charged with bank robberies.

**Adams:** So now this is 18 months. This is 18--

**Baroni:** Right.

**Adams:** Months after you've read this headline "time for traffic in Fort Lee," your world blows up. You think this is politics. I know how to survive a political scandal. Let me get my mind right. Let me go to Ireland. Let me come back. And now it's intensifying. The pressure is mounting.

**Baroni:** So, by August of that year, so it's August of '14, right? And we get the call to go in and do a show and tell a reverse proffer. So, you know, this cast of all my lawyers, we go over there. I'm told



not to say a word. "You cannot say a word. Don't say a word. Just listen." "Okay." So I go in there and, as some of my students will tell you, so my hearing sometimes is not very good. And just whatever the conference when we were in, I had trouble hearing one of the prosecutors. Very, very good lawyer, Lee Cortes from the U.S. Attorney's Office, was basically doing most of the presentation. And there were times where I just couldn't hear him. I kept leaning over to Jen Mara. We're across the table, we're like two feet from each other. I was like, "Would you please tell Mr. Cortes to speak up?"

And eventually I was just so frustrated, I was like, "Mr. Cortes, I know I'm told not to speak, but could you just speak up a little bit for me?" And it somewhat lightened the room.

**Adams:** "If you're going to tell me what crimes I committed, can you please let me hear you?"

**Baroni:** Right around the time of the reverse proffer, they told us some of the crimes they were considering charging. And that was when my lawyers went, where are they getting it? It was the civil rights charges and it was the charges about theft of government property. And we're, my lawyer's like, "What's the property that was taken?" Which ended, of course, being the issue going forward. And I remember at that point, walking away from that show and tell we finally knew what the charges were going to be. It's like, they're not charging us with this. They'd never sustain them on appeal.

I remember thinking that day on the walk -- because the show and tell is at the FBI offices, and we're walking back to Baldassare's offices which was on Broad Street, Newark at the time -- and I remember thinking, they're not bringing this case. They can't sustain these charges on appeal. Being free from traffic is not a federal constitutional right, so they can't sustain the civil rights charges. And they're not going to sustain the theft charges, because it's, you know, that we didn't get anything.

**Adams:** You're having these thoughts, you're in the middle of this sort of, this twilight zone about whether you're going to be charged and how you could possibly be charged. What do you remember about the day that the indictment ultimately came down? Nearly a decade later?

**Baroni:** Yeah, because everything went silent. After the reverse proffer and we said, no, thank you, we're not cooperating, everything went silent. So that was August of '14, and we heard nothing again till the very beginning of May of '15. And that's, I remember on a Friday, David Wildstein pled guilty and they indicted Bridget and I on a Friday.

And in a weird way, it was like, it was devastating. It was devastating. I've been indicted in a extremely high profile case. I could go to prison for years. But in a weird way, I was like, okay, at least now we know. We finally got into another step in this process.

And emotionally it was terrible. I mean, having to show up that day, you know, to walk past all those cameras, to go in a courtroom, to stand in front of the United States District Judge. To have your lawyer say "not guilty," and to walk out in the world's media and you're live on television. Right? I mean, it's just, it was oppressive.



And I remember going back out on the train, came back to the city, and it felt like the whole world had been watching.

**Adams:** We're about a year -- I didn't mean to over step you there -- we're about a year plus, now, outside the 2016 presidential election. The person at the center of what was now a political investigation and became your criminal case is still considered one of the favorites for the Republican nomination. Did it still feel political? Or once you were indicted did that change in any way?

**Baroni:** Yeah, great question. In fact, Gov. Christie announced for president like two weeks after the indictment. But at this point it was beyond politics. This point was very serious. It looked the prospect of going to prison was very real at that moment. And I also knew that, you know, the whole world thought we were guilty.

And so we get indicted in May of '15. And then a couple of weeks later -- I give credit to both the prosecutor's office and the judge -- they allowed me to go home to Ireland. They allowed me to leave and go to Ireland. So that was helpful mental healthwise. I was going to work, but it was helpful. But then, again, then you've got a year and we didn't go to trial until September of '16. So, another year and a half, a year and four months?

**Adams:** A couple years of investigation. A couple years of pretrial -- and this case was chock-full of pretrial motions. What were the emotional ebbs and flows like during that pretrial phase? Because you had some good arguments. Ultimately, those arguments prevailed at the Supreme Court. When you would go in and volley that argument at the court and then the government would articulate its position, and then ultimately the judge would rule against you because you end up going to trial.

**Baroni:** You know, I think --

**Adams:** Emotional roller coaster-like.

**Baroni:** When you make the decision not to plead, you have to put yourself in a mental position you're going to win. Right? You have to do that. So you'd find a document, you'd see a piece of evidence going through discovery and, and night after night, I would sit at my dining room table, helping Jen and Mike and Dylan, the lawyer, my lawyers.

I was going through documents. Because, you know, we didn't have thousands and thousands of lawyers, right? I couldn't afford that. So, I was helping documents. You'd find something and you, and you get yourself and you start looking at the law. You think the brief the legal questions with the courts ended up deciding on. How can we lose this? You can't possibly -- and we did.

And then when you go to trial. And leading up to the trial, you know, you have the jury selection. And I think they put out 300 jury questionnaires, I think, and we got all 300 back. So I read all 300 jury questionnaires. I think 200 of the 300 were savagely, they are guilty no question. They were guilty. I can't be impartial. They did this. I mean, so, you know, 60 something percent of all the jury questionnaires where, they are guilty as sin, and I could never find them not guilty.

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You want to talk about a bad night, read those things.

**Adams:** Wow.

**Baroni:** And we end up going to trial. And, you know, you have good days and bad days at the trial. You think you're doing well. And you know, I testified. Bridget testified. And then we get to deliberation. You know, just really shorten the project, get to deliberation. And the jury sends a note on the first day of deliberation, saying, you know, if they haven't intended to punish the mayor, can they be convicted?

And of course the whole defense was, there was no intention to punish the mayor.

**Adams:** Right.

**Baroni:** And you know, I thought -- I saw the note -- I said, "Well, if the judge rules the right way, case is over. We win." And, you know, Mike argued passionately, Mike Critchley, who was Bridget's lawyer, argued passionately, the government and the judge ruled against us.

And I remember turning to my dad and saying, "Well Pop, we can't win the case." And then the jury still deliberated for three or four more days. But when the jury sent the note back in saying they have a verdict, I knew we were guilty. I knew we were guilty. And the jury comes back in, they find us guilty. That's one of those moments in life.

And Judge Wigenton did not make us stand for that moment like you see on "Law and Order," right? We didn't have to stand for the verdict. Because I remember very clearly wondering if I have to stand for this. Just sat in my chair. You know, the jury did its job under the instructions given to them by the judge.

And all of a sudden, the head juror says on the first count, whatever it was, "guilty." Like, okay, I've just been convicted of federal crimes. It was a moment. And, the judge let us leave the courthouse that day, to his credit. Paul Fishman agreed to bail pending appeal. So we knew we weren't going right into prison.

And we go to the 3rd Circuit. And at that point, a couple of days after the conviction, another Mike, my friend from law school, UVA -- if you remember, I told you, my friends at UVA really rallied around. He's a partner at Sidley. He had been in charge of the Appeals Division of the Southern District, U.S. Attorney's Office, Southern District. And Sidley came on to do the 3rd Circuit appeal pro bono. I couldn't afford anything at that point.

And that didn't happen until... so we got convicted in November of '16. We got sentenced in March of '17 to 24 months. We file in the 3rd Circuit. The argument for that is April of '18. So now you're going on a year and a half after the verdict. I'm not working. I was doing a little volunteer work. But that was really off. Because at least in the window during the trial, I was participating in document review and on. But leading up to the 3rd Circuit, Mike Levy, who's a brilliant attorney and an amazing friend. He said to me, "I don't really need your help. You know, the record is the record and, um, you



know. And we were going to argue the civil rights argument or argue the property argument. We go to the 3rd Circuit. We make the argument. It was very clear that day from the day of the 3rd Circuit argument that we were going to win the civil rights claim. But we didn't know about the money.

We then spend the rest of that year -- so this is '18, the end of November of '18-- the 3rd Circuit comes out, throws out the civil rights conviction, keeps the federal property law convictions. We have to get resentenced.

I remember that day, November of '18. The judgment comes out, like, the Monday or Tuesday after Thanksgiving. And I read the opinion and I went over to Mike Levy's office in Manhattan and we talked about it. And I knew at that moment, it was time to get this over with.

**Adams:** You're running the race without a finish line. How are you maintaining your mental health? How are you maintaining your physical health? How are you surviving that gauntlet you just described? I mean, you're being sentenced, resentenced, you're back and forth to the Circuit Court of Appeals. You're going the gauntlet on the presumption of innocence to try to vindicate yourself. And it's got to take an incredible toll.

**Baroni:** It does. I mean, one of the things I tell people who are going through this your question is exactly right. You need to focus on your mental health and need to focus on your physical health. So, for me, I went to the gym every day. Every day, I would go to the gym. There were times I was at the gym and I would look up at the TVs above the elliptical machines and there I was. But I went every day.

Mental health, you need somebody to talk to. You need a professional to talk to who's not your lawyer, you know, that you can just speak to and be open with. Because the emotions are awful. It's not just oh, my God, I'm going to go to prison or oh, my God, my life is over. It's just all the emotions of abandonment, and emotions of loneliness and the emotions of you don't know what the future is going to be. What's going to happen when this is over?

Now at this point, especially after you've been sentenced, right? Like, I'm going to prison. Right. How do you deal with that? So it's very important. One of the things that I do now with people who are going through this process -- somebody once jokingly called me a prison life coach. Like, I mean, it's like, how do you get through this process emotionally? And it's really, really hard.

And for me, I made the decision because I have older parents, to keep the appeal going to the Supreme Court on that final critical legal question, but just to go in and get this over with. I need--

**Adams:** You're pending appeal and you make the conscious decision, I'm going to go start my sentence because I can't fathom the notion of another couple of years of this process.

**Baroni:** No, for me, it was.... and Bridget and I had opposite opinions on this, understandably. Bridget had young kids. I had older parents and was going to be one of the caregivers for them as they get older. And they were probably mid-70s at this point. Their health is good, thank God. But I had this nightmare of me being in prison, dad, twisting his ankle, and I can't be there to help him. So I made



the very clear decision that, you know what, let's keep the appeal going to Supreme Court. But let's go in and get these 18 months over with, because I was resentenced to 18 months.

And, people say, oh, my gosh, you must regret going in, you end up winning in the Supreme Court. But at the time, that was the right decision. It wasn't so much that I couldn't survive two more years of working out of the gym every day. It was I couldn't risk being in prison as dad and June got older.

**Adams:** Describe that day that you reported to prison.

**Baroni:** So, it's, April 9.

**Adams:** Will you remember that day forever?

**Baroni:** Oh, absolutely. I remember the day before forever. The night before, the Monday -- I was reporting on a Tuesday -- the Monday night before, I left my apartment in the city and I went home to Hamilton. And we went over -- there's an amazing family that we've been very close with, the DeMarco family, held, like, a little going away dinner for about 20 people or so. I remember at that dinner signing my power of attorney over, you know, in case, God forbid, something happened. And I went home that night and UVA -- where I'd gone to law school, University of Virginia, was playing Texas Tech in the national basketball championships. I remember sitting in the living room of the house I grew up in with my dad watching UVA basketball. And UVA won. And it was a weird feeling. It was like, I know I'm going to prison tomorrow, but also in a weird way, this brought me closer to my family. Because had Bridgegate never happened or I wasn't going to prison the next day, I wouldn't have been in my dad's living room watching that game with him. I would have been somewhere else. But I was there with him.

And that's actually a special moment. I know it sounds strange. But I remember that moment very clearly. And then about three hours later, I got up and one of my closest friends in the world -- he and his wife had been roommates of mine in Hamilton many years before -- came over. His name is John Hollow. Came over at three-something in the morning and picked me up and drove me to Loretto Federal Prison in Western Pennsylvania, about four or so hours from Hamilton. Drove across Pennsylvania Turnpike. We stopped at a Starbucks before reporting. Got there about 9 o'clock, something like that. Got out of the car, gave John a hug.

By the way, I always say, you know, you want to have those friends like John and Cindy Hollow who are there for you and John is that guy. If you don't have a John Hollow in your life, go find one. Because, there's a guy who was just there. And drives me over and I walk out of the car and I walk into federal prison at about 9 o'clock in the morning, expecting to spend the next 18-ish months in federal prison.

**Adams:** But you didn't.

**Baroni:** I didn't, because we had the appeal going. And I guess about three months later, it was a Friday and it was the last day of the Supreme Court term. And we knew the court had been considering the appeal because they list the cases they're reviewing, as, you know. And they hadn't



given an opinion. So we thought, well, we got a shot. And sure enough that morning -- and because there's no internet in prison -- I had to make a phone call at whatever, it was 9:40, to someone who told me the court had taken the case.

**Adams:** Sitting in Loretto, did you know the last day of the Supreme Court session?

**Baroni:** I knew that was the day and I knew that that was the moment. They were either going to take it or not take it. And we knew that was the morning. And they took it.

It's funny because the next day Dad and June and the DeMarcos were coming to visit me in prison for a regularly scheduled visit. And suddenly I was getting out of prison two days later. Because to their credit, the U.S. Attorney's Office agreed immediately, consented to bail pending appeal. And that Monday afternoon, you know, Judge Wigenton signed the order, the Bureau of Prisons did the paperwork, and that afternoon, John Hollow came back the four hours and picked me up in federal prison. And I remember, and because usually when you leave federal prison, your family sent or brought clothes. So you sort of change into, you know, like normal civilian clothes. I walked out of prison in my prison sweatshirt and shorts. I mean, it was July.

And I remember leaving and rolling down the window and going, oh, my God, the Supreme Court took the case. It was stunning. It was surreal. And I remember the drive back home to Hamilton that afternoon. And we stopped at the Starbucks. And I remember the first call was to Dad, that I was out. My second call was to Mike Levy, my lawyer. My third call was to Bridget. And I remember calling Bridget and we just cried on the phone.

Because everybody sort of knew that the Supreme Court was going to take the case, the Supreme Court was going to rule in our favor. That they weren't going to take a case like this just to uphold a verdict. And so we get out, that was, gosh, July of '19.

The court heard the case on a snowy morning in January, a rainy, snowy morning in January of '20. We never thought at that moment we'd be the one of the last case of the Supreme Court heard in person because then COVID hit a few weeks later. And in May of '20, the Supreme Court unanimously overturns the conviction and it was over.

And I remember that morning sitting exactly where I am now. Because, you know, you don't get a phone call saying it's coming tomorrow. So, every Monday and Thursday for weeks, I'd sit at my computer waiting every morning. And that May 7 morning, there it is, pops up. And read the decision. I thought I knew what I was reading. I called Mike Levy. I said, "Are you reading the same? It looks like it's over." He said, "It looks like it's over." And I called my father. And it was over. So for whatever number of years that was, it was over.

**Adams:** How did you pass the time sitting in Loretto with the belief and the conviction that you didn't commit a crime?



**Baroni:** You know, there's an old Irish saying that part of being Irish is knowing the whole world's going to break your heart. And if you had said to me at the start of Bridgewater, "Bill you were going to go sentenced to federal prison for 18 months," I would have said, "I could never do that."

But when it came down to it, with a preparation from a lot of people who helped me, um, I decided I'm going to get this over with. I'm just going to go in. I'm going to get this over with and I did. You know, and I taught when I was there and I worked out every day when I was there and I met some of the most extraordinary people in my life in federal prison. People who, the moment I got there, took care of me.

You know, everybody knew about my case because I was on television, right? So, and I immediately got a nickname, which was apparently a big deal in prison. I got a nickname. I was Billy Bridgewater. So, you know, imagine walking around the compound at federal prison and people -- including the corrections officers, including when they make announcements -- like, you know, it's just Bridgewater. The officer would come bring the mail every day. It would be like, you know, mail call, come watch Bridgewater get his mail. Right? So imagine your crime is your nickname.

But, you know, you, you learn to deal with it, and you learn to make the most of it. And I helped people. I taught GED classes and I did a lot of work when I was there, a lot of reading, because I was going to get through it. I was going to get through it. I was going to get home and I was going to start a life. Again, not thinking -- I thought it was a chance the court would take the case, but, you know, the math. It's like, what, one in 7000, something like that, much worse odds in a criminal defense case. But I always believed. And part of it was that my dad, this guy grew up in the South Bronx. You don't plead guilty to something you didn't do. And it was better for my father for his son to go to prison than to plead guilty to something he didn't do. And I was not going to break my father's heart.

**Adams:** Were you surprised that the Supreme Court was unanimous in determining that a federal law had not been violated in your conviction?

**Baroni:** I was certainly not surprised they ruled in our favor. I thought, leaving the oral argument, it was either going to be seven/two or so. We had, I think we had at least seven votes. Turned out we had nine. As you said earlier in the podcast, you know, usually the Supreme Court can't agree nine votes that the sky is blue. So to have that unanimity was a big deal. I think it was a big deal for people watching the case.

And, you know, so the opinion comes down and, all of a sudden, you know, life changes again. And I had gone to prison for three months and people said, you must regret going to prison, but I don't. I wish it never happened. I wish this whole case had never happened. But you end up gutting through it. You just have to get through it.

**Adams:** Did you feel vindicated by the Supreme Court's unanimous decision?

**Baroni:** Absolutely. The argument we made starting in January of 2014: it was not a crime. People can make arguments over the politics about it. But I'm a lawyer and I look at the statute and I look at



the cases around statutes. And what happened, even under the government's theory of the case, which I'm not agreeing with factually correct, but under the government's theory of the case, it didn't fit the statutes.

And, you know, it's one thing if I go and rob a bank and they have me on camera robbing the bank, and I walk out of the bank with a bag of cash and people see me walking out with a bag of cash, me saying, "Well, I didn't rob the bank." Well, yeah, you did. We see you rob a bank.

Here, the question is about the statute. And I was just not, I was not -- again, there were a lot of times that I felt, let me just take this cup away from me. You know, like, let me just get this over with. Or you back the metaphor about the marathon. That's it. I'm going to make the finish line up. That's it. I'm done. Right? I'm going to plead guilty, serve whatever sentence I get. I'm going to move to Ireland and work in a pub in Dublin. And that's not a joke. Like, I was I'm out of here. Like, I, can't... there was a lot of moments like that. Some dark moments, some hard --

**Adams:** How strong is that urge to plead guilty?

**Baroni:** It's overwhelming. Government came to me three times with a plea offer. Four, if you count the reverse proffer.

**Adams:** Just get it over with.

**Baroni:** And yeah, I remember sitting in my living room with Dad and June. And they had offered, one of the times they'd offer me a plea deal, the argument was plead to anything. Get it over with. And my father, who's been through a lot, just looked at me and said, "We don't plead guilty to stuff we didn't do.? He's still the guy from the South Bronx. And that fortified me. It also said, look, I couldn't do that to him. But it fortified me. It's like, you know what? No, I'm not doing it.

But the pressure is overwhelming. And not just formalized pressure, like, "Here's a plea offer. You can plead and here's what does your sentence." And look, there are lots of cases where that's a smart decision for a defendant or a target to make that decision. For me, it was not easy decision.

**Adams:** Took five years.

**Baroni:** Five years. You know, by the end, I was like, one of the benefits -- I know this sounds crazy -- one of the benefits of the second sentencing, where, where Judge Wigenton gave me 18 months and I made the decision to go into prison, is I knew it was going to be over. I finally had the finish line. I finally had a date that it would be over.

**Adams:** And then it moved again.

**Baroni:** Well, yeah, exactly right. So, I was like, okay, you know what I'm going to go in. I'm going to serve this 18 months. It should be less than that with good time and stuff, but essentially 18 months sentence, and I'm going to be out and that's it. I remember thinking, walking into federal prison that



day in Loretto, that there's nothing more they can do to me. They have sent me to federal prison. And it turns out I was the only person in the entire Bridgegate story to go to prison.

**Adams:** And Bill, we're running short on additional time today, but how's your life changed? And what are you up to today? I know you're doing amazing things with trying to reform prison policies to make life better for the people who are there. Because, certainly prison is an environment where we punish. But for every person we're punishing, there might be a Bill Baroni there. There might be somebody who's just going the distance and carrying out the due process that our system provides. And while they're there, they're entitled to certain rights. What are you doing from your experience? And how are you, teaching others about what it means to run this gauntlet that is the criminal justice system, particularly for a white-collar defendant?

**Baroni:** I'll answer your question in a number of parts. First of all, on a macro level, I'm working with other really good people, organizations like Aleph. I have formed the Prison Visitation Fund. Working on policy changes that will benefit in the sentencing incarceration system.

On a micro level, I'm dealing with people one-on-one, who are in the process of having just been sentenced or about to be sentenced or about to go into prison, professionally, because I'm this sort of weird person in the middle, right? I went to federal prison, but got my law license back, right? I mean, I'm sort of this, weird Venn diagram because of the Supreme Court. So, I can talk to people as an attorney And as a counselor who are going through this process. But the same time, when I talk about being in federal prison, I know exactly what I'm talking about. And there's clients who I work with now, and some of your colleagues who are attorneys, who refer me to people to help them get ready to go into prison on an individual person by person level.

And I'm teaching again, I'm back teaching at the Seton Hall University Law School, an amazing law school.

**Adams:** My alma mater.

**Baroni:** Your alma mater, a great school. I teach a course that I wrote for Seton Hall called Prison Law. So I'm teaching future lawyers and law practitioners, and judges and clerks and defense attorneys and prosecutors about the law around prison. Because usually, you know, criminal justice law is basically cops and robbers and then bail to jail. But there's this whole area of the law where after somebody is sentenced, going through the prison process and then getting out on the other side, and prisoner re-entry. So I'm teaching an amazing group of students who are passionate about this. And they're going to be great lawyers and judges, better than me, in working in this area. And that's really fulfilling.

You know, one of the things, very few things, I miss about politics is sort of what I, you know, in politics called constituent service. Now, I get to do it for people who are, you know, going through the prison system and the incarceration system. And that's a good thing. That's very fulfilling to me. I never thought my life would be here. I never thought going the distance would mean I'd be advising people going into federal prison. But that's what life has brought. And, as I said, folks who I was away



with in Loretto, that still some of my closest friends in the world, you never know where life's going to take you. But the system itself needs people -- lawyers like you and your firm and others -- that are believing in people's presumption of innocence and believing people should be able to go through the process and defend themselves.

And at the same time, have people around them that are not their lawyers that are there to support them and counsel them and let them know this is going to end. You may not know where the end of the finish line is, you may not be able to see the sign that says finish, but it does finish. And it's what you're doing between now and that point, -- whether that is in prison, whether that's leading up to a trial, whether that's preparing for a trial -- what are you doing to prepare for an end that you can't see?

So, when my cousin Neil and my cousin Dara start a marathon, right, starting marathon, not knowing where the end is, you just need to have confidence that there is an end. Keep running. Keep going. There's times where you just want to give up. There's times where you just want to plead guilty. Times we just want to get it over with. But go through. Keep running. There is a finish line. It may not be easily visible, but it is there. You can go the distance. You can make it. Even if it's painful with a guilty verdict and losing part of an appeal, massive attention on your case, prison. But it does end. You will get to an end. And there is an entire chapter in your life after.

I know it sounds cliché. I know that sounds like a greeting card, but there really, really is and --

**Adams:** You too can be vindicated by the Supreme Court.

**Baroni:** You can go to the Supreme Court and be vindicated.

**Adams:** Well, I can tell you this, Bill, from our conversation today, the "marathon not a sprint" saying is now going to be banished from my lexicon. Because what you said just really hits home, that they're in a marathon -- and I've run marathons -- there is a finish line. And in the criminal justice system, sometimes that finish line does feel amorphous. It feels like it doesn't exist. It's illusory. But at the end of the day, today, hearing your story, there's many out there that hopefully take away from this episode of "The Presumption of Innocence" that you can, in fact, get your life back together and move past your interaction with the criminal justice system.

Bill, thank you so much. That's all the time we have for today on "The Presumption of Innocence." I'm your host, Matt Adams, and until next time. We'll see you. Take care.