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Fen-phen lawyers jailed

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The three lawyers accused of wire fraud for bilking their clients out of \$64 million in Kentucky's fen-phen case have been ordered to jail.

U.S. District Judge William O. Bertelsman this morning revoked the bonds of attorneys Shirley Cunningham Jr., William Gallion and Melbourne Mills Jr., said John Schickel, U.S. marshal for the Eastern District of Kentucky.

The lawyers had been in Bertelsman's court for a hearing where they were demanding a continuance in their criminal trial, which had been scheduled for Oct. 15, Schickel said.

The defendants previously had been released on their own recognizance. During today's hearing, Bertelsman warned the three lawyers that he would revoke the bond if he moved the trial date.

After taking a 15-minute recess and hearing from prosecutors and defense lawyers, Bertelsman agreed to move the trial to January but ordered the three men into custody.

Just before 1 p.m. today, Schickel said the three were being photographed and fingerprinted and will be taken later today to Boone County Jail.

Assistant U.S. Attorney Laura Klein Voorhees said the trial was continued until Jan. 7.

Bertelsman's office confirmed that the defendants had been ordered jail, but no order explaining the move had been issued.

If convicted on the charge they face — conspiracy to commit wire fraud — each of the attorneys could receive a maximum of 20 years in prison and a \$250,000 fine. They have pleaded not guilty.

In a civil lawsuit filed by more than 400 of their former clients, a senior judge in Boone Circuit Court has already ruled that the lawyers defrauded their clients and order them to repay \$42 million, plus another \$20 million that already had been placed in escrow.

They could face punitive damages at the trial of that suit, which has been postponed until after the criminal charges are resolved.

Angela Ford, who now represents the fen-phen clients, has called the case the biggest theft in Kentucky history.