
Sandy Wells

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Innerviews: Legal eagle soars into nation's highest court

By **Sandy Wells**
Staff writer

As a boy fixing hot dogs on his arm at his dad's legendary weiner emporium, he dreamed about a future in law. But nothing in his wildest imaginings prepared him for this.

For actors, it's Broadway. For track stars, the Olympics. For quarterbacks, the Super Bowl. For opera singers, the Metropolitan.

For lawyers, it doesn't get any bigger than the U.S. Supreme Court. Win or lose, the experience of arguing a case before that august tribunal is the challenge and opportunity of a lifetime.

Sometime in December, 42-year-old Troy Giatras will face the country's highest court, an honor claimed by only a handful of West Virginia lawyers.

The case concerns gun control laws and the question of retroactive legislation, crucial topics after the court's recent decision to squash a ban against handguns.

The suave, bearded trial lawyer has traveled a very long way from the kitchen at Curtis' Famous Weiners in Cumberland, Md.

"My parents had a restaurant in Cumberland, Md., called Curtis' Famous Weiners. Always weiners. We never called anything a hot dog for almost 30 years.

"Later on, we got a place called Coney Island Weiners about 80 feet away. My dad's competitor sold out, and we ran both places for probably 15 years. Now it's all under one roof. My younger brother runs the restaurant.

"Before the weiner places, my grandfather had a place called the Maryland Nut Shop. It was homemade ice cream and candy. They had elaborate displays. At Christmastime, my father would make churches out of chocolate.

"Our store was open 365 days a year. My dad would open at 5:30 or 6 and close at 11 at night. The downtown was one of our growing-up places. My dad was the unofficial mayor of Liberty Street. My brother is now. We spent almost every day and night at the store. We grew up working in the restaurant. By the time I was 8, I was cleaning tables, taking out trash and sweeping.

"When I was about 10 or 11, I was making weiners on my arm. My dad could go almost up to his shoulder. I can only go up a little past my wrist and stay steady.

"With your entire arm lined with buns, you put on mustard, chili sauce and onions, the only three things we served with them. When you ordered weiners in our place, you ordered them with or without, and that meant with or without onions. Automatically, you were going to get mustard and sauce.

"My dad made sauce every morning. I don't know how to make it. My mother didn't know how to make it. It went to my brother. It's not written down anywhere.

"People have said they sent it away to have it analyzed and know exactly what's in it. My brother is pretty coy. He will tell them they don't have it right. When the products come in, he takes the labels off.

"The individuals who came to our store were mainly professionals - lawyers, insurance salesmen, people who worked downtown in business. We would have a full crop of lawyers come in during lunch hour and read the paper and talk. I remember waiting on them and looking towards that. I wanted to be a lawyer.

"I was a runner in a law firm, my very first real job. I was maybe 13 or 14. I worked for a gentleman whose father came into my dad's restaurant and he as a boy came into my dad's restaurant. My dad asked him if his son could work in his office.

"We didn't even think about pay. It was an honor to work. I made copies, ran papers to the courthouse and I would go with him to court. I was hooked.

"I was accepted at Duquesne in Pittsburgh and later to the law school at WVU. Debbie McHenry, an attorney here, is one of reasons I am a lawyer. I had an interview with her before I was accepted. She was dean of admissions.

"I wanted to practice trial law. I had been on the debate team and was involved very young in the Optimist Club oratorical contests. We used to travel around the state going to competitions.

"In 1990, my third year in law school, I interviewed with a firm here in Charleston, Huddleston Bolen out of Huntington. They were doing a lot of trial work. John Fowler, their lawyer here, gave me my first job in West Virginia. John was a great teacher. I was able to try a lot of cases. I was with John until 1996. That February, I started my own firm.

"Practicing law is dealing with people. I had that underpinning of working in a restaurant where you are dealing with people on a face-to-face basis.

"From what I understand, I will be maybe the eighth lawyer in West Virginia to ever argue a case in the U.S Supreme Court. I'm 42. To be able to do this at this age, it's extraordinary. I wish my mom and dad were still around. My mom would have walked to Washington to see me.

"In 1994, Randy Hayes pleaded guilty to battery, a misdemeanor. In 1996, Congress passed a law saying if you've been convicted of domestic violence, a misdemeanor, you can't have a gun. In 2004, 10 years after his plea, police found a rifle under Randy's bed that was given to him by his father and arrested him.

"I received a referral to help Randy Hayes. I got a phone call three days before he was supposed to plead guilty in federal court in Clarksburg. He believes he was truly unknowing. I said I thought he had a case.

"We began filing briefs challenging the constitutionality of the statute he is charged with. We lost in district court in Clarksburg. We went to the 4th Circuit Court of Appeals in Richmond. It's very scary. I had butterflies in my stomach, taking up this cause for Randy.

"To have the decision come back that you won, you think the case is over. Within 15 days, we got a letter from the government saying they were going to appeal to the U.S. Supreme Court. If they hadn't taken it, Randy would have gone on with his life, but now we're in it.

"It took a couple of weeks for it to sink in. Everybody in my office accepted it as though it was nothing extraordinary. Then we had a sit-down one day and said, 'Look, we're going to the U.S. Supreme Court. This is serious stuff. This is very big.'

"We have embarked on a very dedicated journey. We work at least every day for an hour or hour and a half on moving it forward. It's like a construction schedule with very strict deadlines.

"It's probably going to happen in December. We will have 30 minutes to lay it all out. The government will argue their case for 25 or 30 minutes. Then you get five or 10 minutes for rebuttal. Then it's over. Nobody comes down and shakes your hand. I won't be able to call home and say I won or lost. The decision will come out in June.

"The U.S. Supreme Court just ruled in the D.C. gun ban case. The Heller decision was monumental. They ruled that an individual has the right to have a gun. That will help us.

"I've been to the U.S. Supreme Court twice to immerse myself into what it's going to be like. It's an exact replica of the West Virginia Supreme Court except there are nine justices in Washington and you are no farther away than a desk and a half from the justices. It's unimaginable.

"My son, who is 8, is going to accompany me, and my wife is going to come down. It will be a day for me to remember. I owe it to a lot of lawyers and judges in West Virginia who have helped hone my skills. I know there are a lot of people pulling for us.

"Had you asked me nine years ago, a dream would have been to go to the U.S. Supreme Court. I'm very lucky to actually get to live my dream.

"My dream now is for my sons to do better than I have done. The universe they are going to see is going to be more expanded. The universe I saw was on Liberty Street in Cumberland in the restaurant. It was a good foundation."

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