Two Good Books, Lots of Great Tales

A few weeks before I left PDS, I tried my last case. Like every other case I handled, I wanted the best possible outcome for my client. But I also wanted something else out of it, too: Something for me. What I wanted was some sign, a capstone even, that my time as a public defender had been well spent—that I had become a skilled advocate, exhibited unwavering fidelity to my clients, and met the standard set by PDS: "The best representation that money can't buy."

Smith, the book’s co-author with Friedman, says she represented a defendant who was convicted of murder, attempted murder, and car theft, and was sentenced to life in prison. Here are her interesting observations.

I like guilty people. I do. I can’t help myself. I prefer people who are flawed and complicated and do bad things to those who are irreproachable and uncomplicated and do the right thing. Flawed people are more interesting.

There is, she says, always something in the criminal’s background or rearing that gives an insight to the crime. Her clients were not wicked. "They grew up in abusive or neglectful homes, falling prey to drugs or alcohol or gangs, were lacking in judgment, and had mental health problems."

She refers to Clarence Darrow (1857–1938) who "sought to make even the most hideous of crimes comprehensible. . . . [t]here were no moral absolutes, no truth, no justice. . . . only mercy."

Well, believe it or not, the same day How Can You Represent Those People? arrived, I received another book titled In the Clutches of the Law/Clarence Darrow’s Letters, published by the University of California Press and edited by Randall Tietjen, a practicing lawyer. Tietjen proves in the facts that Clarence Darrow was and remains the most celebrated lawyer in American history.

Darrow’s letters are interesting, and long. Here is a letter to a close friend, Mary Field Parton, dated Thursday, November 25, 1920. He tells his friend what this most famous lawyer was doing:

I, like you, find nothing new from day to day. My office is filled all the time mainly by poor clients in trouble, people who have got money against the rules of the game & are trying to stay out of jail. People in all sorts of troubles: their wives crying & begging me to help as if I could do anything if I only tried. How I wish I could but I can’t. Lord what an awful mad house the world is, and it is Thanksgiving day and all the damn fools in the world are giving thanks that they are alive. Well I am not.

Now, back to 5th Street in the 1950s. Whenever there was a big murder case and the defendant was penniless, the judges called in Charlie Ford, the best criminal lawyer on 5th Street. In one of the cases, the defendant shot a man three times in the chest and three times in the back and reloaded the gun twice.

Charlie repeatedly asked his followers, “What do I say to the jury? They will bring in a first degree murder verdict and give him the chair. What am I going to say?”

I recall seeing Charlie standing up behind the defendant, Charlie put his hands on the defendant’s shoulders, saying nothing for three minutes. Then Charlie screamed, “Sir, you are nothing but a second degree murderer. That’s what you are, you know it, and this jury knows it.” That was Charlie’s closing argument.

The verdict. Second degree murder.

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