

Tuesday, May 15. 2007

Videos of real and acting trial lawyers.

Website of U.S. District Court (W.D. Mi.). Following up on my previous commentary about and video of Gerry Spence, here are some other links to notable performances by trial lawyers and actors playing them. - Here is Atticus Finch's closing argument for acquittal in *To Kill a Mockingbird*. The rabid racism depicted in the film took place only seventy years ago; we still have a long road ahead against racism. - Here is Gerry Spence talking with Charlie Rose about Randy Weaver, government and corporate power, and the choice he made to accept a judge's appointment as a special prosecutor for an extremely gruesome 1979 capital murder trial against Mark Hopkinson even though he opposed the death penalty and still opposes it. More in line with his general outlook on law practice pre-dating the Hopkinson trial, when Gerry started the Trial Lawyers College fifteen years later, full-time prosecutors were told to apply to other trial lawyer programs, save for at least one prosecutor who was on staff. I first learned about Gerry's capital prosecution of Mark Hopkinson nine years after the trial, when he spoke at an over-fancy summer law associates dinner, and urged everyone in the audience to spread out beyond the cities after graduation, and to work for people. Perhaps it was no wonder that two years later, the dinner's organizers presented a conformist speech by Jay Stephens. Two people who are very important to me have supported the death penalty machine -- which I vehemently oppose -- at one time or another. First was Gerry Spence (with his prosecution of Mark Hopkinson), who, with the Trial Lawyers College, has contributed extraordinarily to my growth as an individual and trial lawyer. Next came a good friend from the Maryland Public Defender's Office who relocated and took a prosecution job doing death penalty appeals. I agree to disagree. - I do not watch *Boston Legal* very much, but did find these worthwhile clips of James Shore playing Alan Spader. His character presents some strong trial arguments, but also sometimes unnecessarily goes over the edge of the cliff -- which I suppose is one of the points of his character -- through such actions as advising a defendant to skip bail mid-trial after his green lawyer botches his murder case, intentionally emitting flatus to make a point at the end of cross-examining a man from a religious group that finds value in excretory activity and who claims wrongful termination for his religion, telling an opponent to "stick it", and more than making the point to Texas appellate judges that they do not care about his death row client: -- Here, he effectively argues that the notion that his tax protester client had the alternative to protest on the streets was undercut by the many severe limitations on demonstrators' rights. -- Here, he asks stonewall appellate judges how they can kill his client who was sentenced to death despite grossly ineffective counsel, a lilly-white jury for a black defendant, and repeated evidence of wrongful capital convictions. -- Here, he slams Guantanamo Bay detentions. -- Here he again spars with the judge from his tax protestor trial, while defending Denny Crane at his initial criminal court appearance. Unfortunately, although exaggerated, this judge displays some of the unjust hurdles that many real judges throw in the way of lawyers' legitimate efforts to defend their clients. I have written here about dealing with difficult judges. Of course, nothing beats going to a real courthouse and finding great lawyers in action. Jon Katz

Posted by Jon Katz in Persuasion at 00:35