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CONFESSIONS OF A CRIMINAL LAWYER. By *Seymour Wishman*. New York: Times Books. 1981. Pp. vii, 246. \$13.50.

Practicing an unfashionable brand of law in an unfashionable city, Seymour Wishman is a criminal defense lawyer working in Newark, New Jersey. His clients are usually black, often poor, and nearly always guilty. His illusions about their possible innocence no longer matter; his commitment to their particular alibi, unimportant. In the theater-like arena of the courtroom, Wishman is simply a performer for whom a "not guilty" verdict rings like applause. Asked about defending a guilty client, he answers that he feels as responsible as "a doctor who repairs the broken trigger finger of a killer" (p. 17).

Wishman's coolly professional existence is shattered when a rape victim whom he humiliated on the stand confronts him in public. Shaken by her screamed hatred, Wishman begins to consider his professional existence in terms of his personal values. The examination, often excruciatingly honest, is the basis for *Confessions of a Criminal Lawyer*. The book, written after Wishman served in the Carter White House as a presidential assistant in the Office of Public Liason, grapples with the essential daily ethical and professional problems of the lawyer's trade. *Confessions* is not burdened with the self-aggrandizing cant of a Nizer or a Bailey.¹ It is instead a finely crafted work that reveals the author's warts as well as winnings.

The chapters encompass the phases of the criminal defense attorney's working life: meeting the client, negotiating a plea, preparing for trial. Several of Wishman's clients and their cases are described, but the author returns again and again to his work on behalf of an accused child killer, a cold, merciless man whom Wishman personally detests. This representation brings the author's internal doubts into sharp focus: "Williams [the accused] had become a symbol to me of all the clients I had represented over the years whom I'd hated without ever being able to admit it to myself" (p. 167).

Despite the fairly inflammatory language quoted on the dust jacket,² *Confessions of a Criminal Lawyer* is not the *mea culpa* of an attorney who feels guilty about the job he has done or who is uncomfortable with the particular background of the persons whom he has represented. Wishman is troubled by the fact that his skill has enabled criminals to rape, steal, and kill again, and he realizes that the

1. See, e.g., F.L. BAILEY, *THE DEFENSE NEVER RESTS* (1971); L. NIZER, *MY LIFE IN COURT* (1961).

2. "I defend people who murder and rape. I am successful when they escape conviction. But when I win, they sometimes murder and rape again."

professional's stock reply, "I was only doing my job," begins to sound "like a Nazi affirmation" (p. 151). He is especially troubled over his representation of Williams, for whom Wishman cannot muster the least empathy. Yet, Wishman's true sympathy for his clients is evident from his characterization of prisons:

They were all warehouses, warehouses of shelved criminals regularly serviced with all of their basic needs except heterosex; they were foolish and vicious places, and too depressing, too overwhelmingly depressing to contemplate. [P. 35.]

He blasts the media for continually pinning the blame for criminal-freeing "loopholes" on defense attorneys, rather than on police or prosecutors who fail to do their jobs (p. 111). A fine writer, with a vivid sense of the dramatic and an excellent ear for dialogue, Wishman is most passionate, his anger most real, when he describes his reaction to perjuring police, or to judges who forget that they wear the black robes of impartiality.³

Wishman is hard on his peers, too. Readers can sense the elaborate excuses for failure in his careful retelling of the war stories shared by attorneys around their morning coffee. Rarely has any author so well pictured the bankrupt professional lives of attorneys at the financial, ethical, and social edge of their profession. In another chapter, Wishman describes how he witnessed a young attorney helpfully provide a sentencing judge with a list of crimes committed by his about-to-be-jailed client, offenses that would have otherwise escaped His Honor's attention. Comments Wishman, "I had often wondered whether, when God had sentenced Cain to wander the earth in exile for having killed his brother, Abel, He had administered such a sentence because He didn't believe in capital punishment, or because Cain hadn't had a lawyer to make things worse" (p. 105).

In part, then, *Confessions* is an angry outburst at a system that distorts the best intentions of its acolytes — the cops, lawyers, judges, and jailors responsible for ministering to the needs of society and its malfesants. It is also Wishman's personal confession that he can no longer summon forth in his work ordinary human emotions, only the

3. One of the more outrageous passages in the book is Wishman's description of a trial in which he was fighting the judge as much as the prosecutor. This jurist, if Wishman's account is correct, was out both to convict the author's client and to humiliate Wishman. The most egregious example of judicial bias noted in *Confessions* was this comment made by another judge to Wishman after the latter had won his client's acquittal: "Well, Seymour, you put up a good fight. I guess you're entitled to win. But I just hate to lose." P. 210. Wishman has made clear elsewhere his belief that incompetent judges, prosecutors, and police are most often at fault when a felon escapes a prison term. See *The Failure of the Criminal Justice System*, PENTHOUSE, Oct. 1981, at 110.

tired anger of the Compleat Professional that he has become. Unfortunately, *Confessions* never resolves this personal dilemma. At best, Wishman concludes only that he must screen his clients and cases more carefully and that he must undergo an extensive self-examination, a process that is begun with this book. It is not a solution that satisfies, but realistically it may be the only one possible. The problems confronting Wishman are not unlike those discussed by legal academics in dusty seminar halls and little-read law reviews. The academic can reach appropriate ethical conclusions after an appropriate weighing of competing considerations and then retire to the faculty lounge for a well-earned sherry. Wishman and his colleagues are simply left with jailed clients and a crushing caseload that makes stock-taking an expensive luxury.

Confession is good for the soul and that is why Wishman wrote his book. This particular confession should also benefit its lawyer-readers. Though the work was not written specifically for attorneys,⁴ it ultimately is a book for them. The world of muggers and child killers may be alien to most, but the honesty of this saga of one man's practice should appeal to all attorneys who care about craft and conscience.

4. Lay readers will find Wishman's careful and simple description of criminal justice and procedure to be a refreshing look at the court system.
