

LAW OFFICES OF RICHARD F. CORNELL

150 Ridge Street, Second Floor

Reno, Nevada 89501

(775) 329-1141

(775) 329-7651 Fax

June 3, 2009

To All Judicial Educators,

I had the great pleasure on May 19, 2009 of participating in Gary Anderson's national program **Clarence Darrow's Judicial Perspective** in Reno which was held as a joint 3-hour CLE program by the Washoe County Bar Association and the Washoe County Public Defenders.

I think this would be a wonderful program to repeat, not only to lawyers and judges seeking CLE credit, but any group interested in the dynamics of the judiciary. And more specifically it would be an excellent program to present to the *National Judicial College*, possibly as a special event during the orientation of new judges.

The program recreates the ambiance of the adversarial process, the pressures of trials on the participants and in particular the techniques of the judge's trial management tactics. I had the pleasure of working alongside both Judge McKibben - a U.S. District Court Judge and Judge Brent Adams - a State Judge from the 2nd Judicial Court –who also portrayed two famous Judges. We shared a common experience unlike any other and enjoyed an opportunity for comraderie and bonding that was unique for us all, both in rehearsal and in the actual presentation to our colleagues.

Mr. Anderson, our nationally known portrayer of Darrow, presented this program like “a Chautauqua”. He dressed and played the part of Clarence Darrow, in talking about Darrow's life and times. Four volunteers (*including me as Judge John Raulston of the “Scopes Monkey Trial”*) played the judges in four cases. These four cases were the most significant in Darrow's career, in terms of the influence Darrow and the trial judges had on *each other*. It is a true exploration of their legacies as viewed by history.

This was non-traditional, interactive and provocative. Before the program, I hadn't thought much about Clarence Darrow. I knew he was a famous lawyer who lived in the 20th Century, but I didn't really know what his legacy was all about. What I came to learn was that Clarence Darrow was really the first great civil rights attorney whose cases are still eerily relevant today. And his cases were from the early 20th Century!

Here in the early 21st Century, where the American judicial system has become “The *bread and circuses* of the masses”, courtesy of CNN, Court TV, Nancy Grace, Geraldo Rivera and Bill O'Reilly, it is now more important than ever to have attorneys who question the fairness of proceedings and are willing to give pause to judges and juries to think about whether their actions and words reflect true American values.

And one of the most remarkable things I brought away from the program was this: Show me a 50-year-old criminal defense lawyer, and I'll show you someone who has “lost too many battles he should have won ‘but didn't’”. I, of course, am one such person. Watching your innocent clients go off to prison or stay there for life, after an appeal, is the worst feeling imaginable. Those of us in the law tend to get very cynical and depressed about the system of justice as a result. This cynicism can result in anything from early retirement to alcohol and substance abuse problems.

Yet, Darrow's three greatest cases – the Scopes *Monkey* Trial, the Sweet Murder Trials and the Leopold & Loeb Trial – all happened when he was **68** years old and near the end of his career! That fact alone gives me energy for the future fights to come and the sense that what I'm doing actually makes a difference after all.

Very truly yours,

Richard F. Cornell

RFC:mwg