

# To demonize a defense attorney is unjust

By Randy S. Chapman | Saturday, July 12, 2008 | <http://www.bostonherald.com> | Op-Ed

We know that not all politicians are swindlers and cheats. Not all doctors are quacks. So why is it that some people seem to genuinely believe that all criminal-defense lawyers are soulless and beyond redemption?

Since the days when John Adams represented British soldiers accused of the Boston Massacre, criminal-defense attorneys have been publicly scorned. One need look no further than recent media coverage and public outcry to note that the trend continues.

The outrage resulting from the pursuit of a murder/suicide defense in the Neil Entwistle case demonstrates a grave misunderstanding about the role of defense counsel in representing the unpopular.

The unfortunate reality is that people have a hard time separating the oft-despicable acts of a client with the role of an attorney. This "shoot the messenger" mentality is harmful to the system of justice and can undermine the ability of a defendant to receive a fair trial.

Jurors who enter a trial with misguided preconceptions that all criminal-defense attorneys lie and obfuscate, and that the government has a franchise on the truth, will find it impossible to properly and dispassionately evaluate the quality of the evidence. Their verdict will be tainted, and inevitably result in innocent defendants being convicted of crimes.

Does a lawyer who stands up in court to defend an accused rapist think that rape is acceptable? Of course not. Does a defense lawyer relish the thought of a guilty man going free? Hardly.

Rather, lawyers appreciate the safeguards of a system that assumes the defendant is innocent. If someone is accused of a crime, let's be sure he did it before we take away his freedom. If someone is accused of a serious crime, let's be doubly sure before he goes away for life. Criminal-defense attorneys do nothing more than assure that these principles are followed. If they aren't, then we will soon have a system that punishes based on assumptions: He looks guilty, put him away.

That's a scary thought.

Entwistle's experienced and respected lawyers came under fire for what was perceived by some as offering a false defense of murder/suicide. While many, including the jury, rejected the defense as unbelievable, there was evidence presented to support the argument.

In the end, the defendant was convicted. The system did not collapse because the defendant offered what some felt was a specious theory. And even many cynics, some who watched the case from England, had to concede the defendant received a fair trial.

And what you saw was not a warping of the system. What you saw was defense lawyers pushing our government to make absolutely certain that it proved its case against Entwistle.

A cornerstone of our system of justice is that each side, the government and the defendant, is equally represented. By both sides advocating their respective positions, the truth will ultimately emerge. If we skew the balance, and try to intimidate one side into not zealously representing their client, then we can only be guaranteed that injustice will result.

The criminal-defense attorney is the only one standing between the power of the government and an innocent person. That's an awesome responsibility. So instead of demonizing a lawyer for the sins of the client, perhaps we should be thankful that someone is willing to stand up and be part of the greatest system of justice on Earth.

*Randy S. Chapman is president of the Mass. Association of Criminal Defense Attorneys.*

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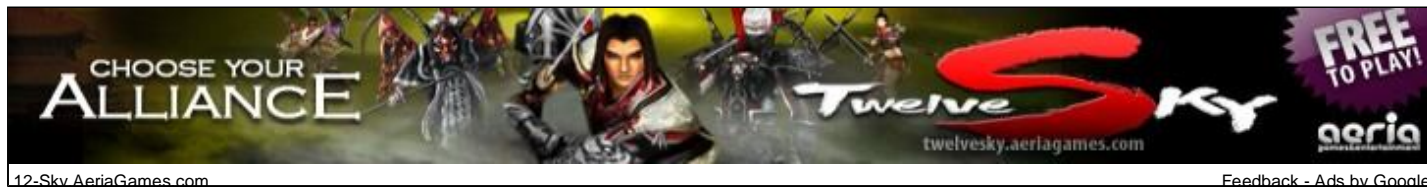
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