

Monday, June 30, 2008

### **It's my client. I can cry if I want.**

Photo from website of U.S. District Court (W.D. Mi.). Many trial lawyers do their best to keep a stiff upper lip, to keep their hearts off their sleeves, and certainly to avoid getting misty-eyed in court even if that requires asking for a short recess to come back with dry eyes. Sure, crying in the courtroom can be risky for a lawyer. By the same token, I agree with Gerry Spence, who says: "Real persons cry...It is all right, indeed, it is imperative, that we be who we are in or out of court." Gerry Spence, *Win Your Case* at 161. When a lawyer's tears are genuine -- certainly that can be the case when a death penalty opponent argues in closing to spare his or her client from execution -- how can a judge order the lawyer not to cry, not to be real? A prosecutor in Ohio has asked a court to ban defense lawyer tears in the courtroom of a death penalty trial. I certainly disagree with the request, for the above-stated reasons. Moreover, what is good for the goose is good for the gander; if defense lawyers are banned from crying in the courtroom, then the ban should also apply to prosecutors, their witnesses, and murder victims' family members during the sentencing phase of capital cases. Jon Katz. ADDENDUM I: Thanks to a fellow listserv member for posting the article on this matter. ADDENDUM II: The title of this blog entry is inspired by the 1965 Animals song.

Posted by Jon Katz in Criminal Defense at 00:10

I would have thought the title was inspired by Leslie Gore's 1966 hit, "It's my part and I'll cry if I want to."

<http://www.youtube.com/watch?v=XsYJyVEUaC4>  
Anonymous on Jun 30 2008, 05:43

Scott- Leslie Gore's song annoys me almost as much as Phil Collins's singing brings me the queasy feeling of waking up the morning after drinking too much beer, as I explain further here <http://markskatz.com/justiceblog/archives/683-Of-Rocky,-Joe-Jackson,-and-Muzak.html> .

My day was made all the more annoying by your reminding me of this song I have successfully repressed from my mind for so many years. Enjoy your week, nevertheless. Jon  
Anonymous on Jun 30 2008, 19:35

The Queen of Teenage Heartbreak holds a dear place to me, listening as my older sister played her and Bobby Vinton (before he took on the Polish Prince persona), singing Blue Velvet, Blue on Blue and Mr. Lonely.

Sorry to spoil a lovely summer day.  
Anonymous on Jul 1 2008, 12:44