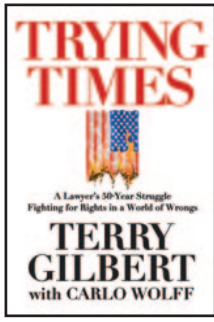


Trying Times

A Lawyer's 50-Year Struggle Fighting for Rights in a World of Wrongs

By Terry Gilbert with Carlo Wolff
Act 3 LLC (2021)
Reviewed by Elizabeth Kelley



In Philadelphia, long-time criminal defense and civil rights lawyer Larry Krasner believed that the best way he could change the criminal justice system was to become that city's district attorney.

In Cleveland, long-time criminal defense and civil rights lawyer Terry Gilbert believes that the best way to bring change is to continue what he has been doing for the past 50 years: advocating passionately in the courtroom for the rights of the accused and those deprived of their civil rights. Indeed, in his newly released autobiography *Trying Times: A Lawyer's 50-Year Struggle Fighting for Rights in a World of Wrongs*, you can hear the steel in his voice and the fire in his words.

Gilbert proudly proclaims that he is a "people's lawyer" and that he descends from the lineage of Clarence Darrow, William Kunstler, and Justice Thurgood Marshall. However, his first years of life were relatively ordinary. He was born in Cleveland into a family of "working class Jews and FDR Democrats." All that changed when he entered college.

The first 80 pages read like a movie script about a kid coming of age in the mid-60s and early 70s. Highlights include the nationwide student protests including at Miami University, where Gilbert graduated, over the murders of the four students at Kent State, Gilbert's adventures at Woodstock, and his summer odyssey in Europe after graduation:

In Tangier, as soon as I got off the ferry from Algeciras, Spain, a 12-year-old kid latched onto me and never left me alone. He got me hash and anything else I wanted. I remember sitting in the casbah for hours, unable to stand up I was so high. I just sat there, watching a snake charmer, a belly dancer, a fire-eater, all day long. (p. 2)

When Gilbert enters Cleveland-Marshall Law School in the fall of 1970, he has seen the world and he has seen injustice. During law school, he works at the local chapter of the ACLU and Legal Aid. After graduation, he travels to Wounded Knee to represent the Native American protestors who were charged after taking over the village of Wounded Knee on the Pine Ridge Reservation and holding it for 71 days.

Gilbert returns to Cleveland, opens his own practice, and builds a reputation for being utterly fearless. He works hard, parties hard, and enjoys a lot of music. *Trying Times* details many courtroom adventures such as the lawsuit he filed along with his mentor William Kunstler to prevent the building of a gym on the spot where the students had been murdered at Kent State, the civil rights suit he filed on behalf of an African American man murdered by a white Cleveland police officer (called The Orkin Man), and his defense along with Kunstler of a member of Hells Angels in what was the first federal case involving DNA to identify perpetrators.

In his mid-40s, Gilbert meets and marries his soulmate, Robin. While his personal life stabilizes, his outrage at injustice is just as fervent. Arguably the highlight of Gilbert's career is his lawsuit for a declaration of innocence of Dr. Sam Sheppard, the Cleveland-area doctor convicted in the 50s of murdering his wife. Sheppard's trial, and retrial captured the attention of Cleveland, the

United States, and indeed the world back in the 50s and 60s, and the lawsuit brought by Sheppard's son was just as noteworthy. Gilbert invests five years of his life in what becomes a crusade for him, and the trial itself lasts 12 weeks. *Trying Times* details the pretrial skirmishes but also Gilbert's creativity and tenacity. This story can be a lesson in dedication to a case and to a client.

The book concludes with Gilbert's anger and sadness over the destruction wrought by the Trump presidency. But in many respects, Gilbert is an eternal optimist. It is that optimism that fuels his career. And he is sincere in his commitment to helping the younger generation represented by his sons and his law partners.

In the spirit of full disclosure, I am a long-time Terry Gilbert fan. When I was a law student, he and a group of other lawyers funded a trip for a few of us to take during spring break so we could work at the Haitian Refugee Project in Miami. And when I started practicing, he and his partner Gordon Friedman gave me my first "big" retained case charging several defendants of attempted murder. All charges were eventually dismissed. (I distinctly remember going to court the morning of the arraignment and not having money for parking. I negotiated with the parking lot attendant and paid him later that day.)

Criminal defense lawyers of all ages should enjoy this book. Those who are of Gilbert's vintage will appreciate and identify with his struggles. For those for whom the Civil Rights movement, Vietnam, and Watergate are history, this will give perspective and inspiration. ■

About the Reviewer

NACDL LIFE MEMBER Elizabeth Kelley has a nationwide practice specializing in representing people with mental disabilities. She is the editor of *Representing People with Autism Spectrum Disorders: A Practical Guide for Criminal Defense Lawyers*.

The Champion Magazine - August 2021, National Association of Criminal Defense Lawyers