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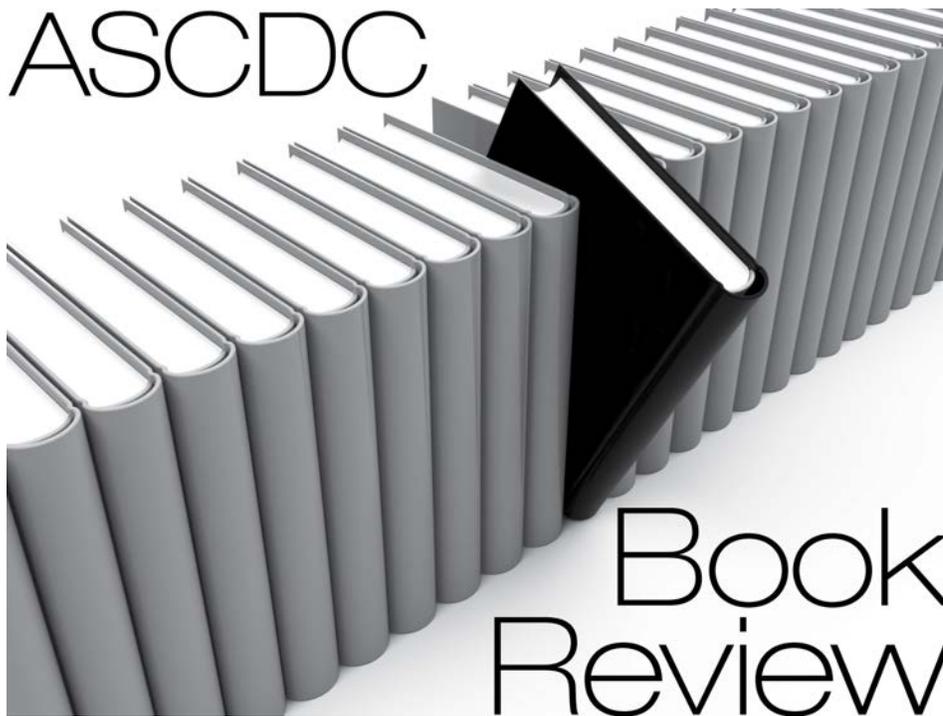


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Book Review

The Defense Lawyer, by James Patterson and Benjamin Wallace

Reviewed by John A. Taylor, Jr.

Appellate lawyers are sometimes forged in the crucible of litigation, seeking an alternative to the stress of trials that stretch into weeks and months. Barry Slotnick started his career as an appellate lawyer – while in his 30s, Slotnick won an appeal for Mafia boss Joe Colombo in the United States Supreme Court. Slotnick descended from the lofty world of appeals into the trench warfare of trial litigation to become the most famous criminal defense lawyer of his day. At the height of his practice, he had an astounding twelve-year winning streak in seemingly unwinnable cases – culminating in the acquittal of Bernard Goetz, the so-called “Subway Vigilante” who had repeatedly confessed to shooting four young Black men in a New York subway car.

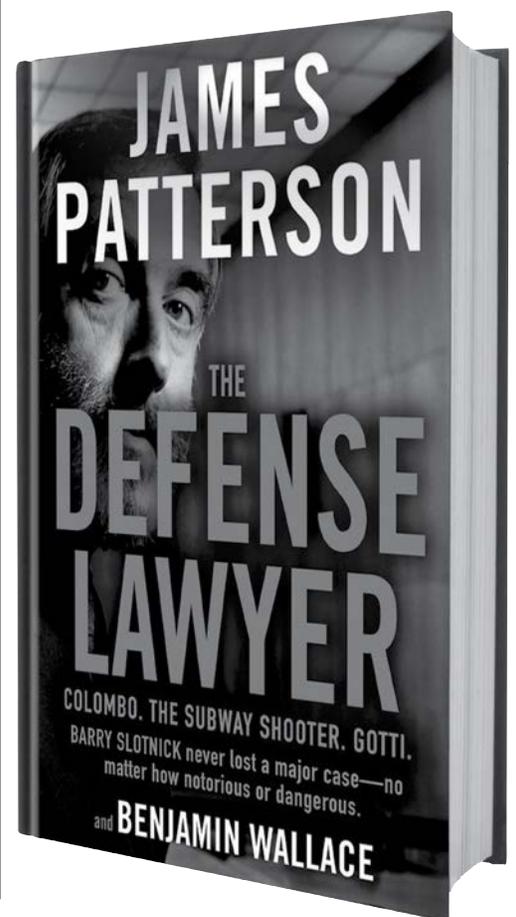
The highlights of Slotnick’s storied criminal defense career are told in *The Defense Lawyer*, co-authored by James Patterson and Benjamin Wallace, and just published December 2021 by Little, Brown and Company. Patterson is purportedly the world’s bestselling author of narrative fiction, and Wallace is a features writer for *New York Magazine* and a contributing editor at *Vanity Fair*. Combining their fiction and journalism talents, they’ve co-written a page-turning account about the actual cases handled by the greatest criminal defense lawyer of his age.

Slotnick graduated from NYU law school at age 20, and had to wait half a year before turning 21 and becoming eligible to take New York’s bar exam. He started defending organized crime figures after becoming acquainted with the brother of Vincent “Chin” Gigante at a luncheonette near Greenwich Village where Slotnick lived. Chin approached Slotnick about defending his German Shepherd, who had bitten someone and was facing a hearing to determine whether the dog should be euthanized. Slotnick’s defense strategy was brilliant in its simplicity. After the complaining witness and “arresting” officers testified, Slotnick took the dog out of the courtroom and then brought him back in with two other identical German shepherds. Slotnick asked the victim to identify the dog that had bitten her. When neither she nor the officers could do so, the judge dismissed the case.

Years later, Slotnick remembered that strategy when defending two Hasidic men who were charged with the assault and attempted murder of a young Black youth who had wandered into a Jewish section of Crown Heights at a time of great tension between Black residents and an Orthodox Jewish sect. Slotnick worried the case was going to end his winning streak, as the defendants were easily identifiable because of their red hair and

beards. But just before the first eyewitness testified, Slotnick sought permission for his clients to sit in the gallery with other

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trial spectators. He then ushered in four dozen men – all with traditional Hasidic sidelocks, red hair, and red beards – to fill the pews around his clients. Once again, after none of the prosecution witnesses could pick his clients out of the group, Slotnick persuaded the jury to acquit both, arguing a mistaken identity defense bolstered by polygraph test results.

The Defense Lawyer is filled with similar stories, told in non-linear fashion between lengthy, yet fascinating, chapters detailing Slotnick's two most famous cases – the Bernard Goetz case, and that of John Carneglia, who was tried along with Mafia boss John Gotti for orchestrating the murder of his predecessor, Gambino boss Paul Castellano. Both trials are recounted from start to finish, with riveting details regarding pretrial investigation, jury selection, opening statements, witness testimony and cross-examination, closing arguments, and verdicts. The authors obviously had access to trial transcripts, and effectively used them in recounting the trials in spellbinding detail, supplemented by inside information (presumably from Slotnick and other participants) regarding what was happening behind the scenes.

Slotnick's defense of Bernard Goetz is the book's centerpiece, and is presented as a hopeless cause. Goetz had purchased a revolver after being attacked in a

subway station, and was still carrying it several years later when four young men surrounded him in a subway car and demanded five dollars. Goetz responded by pulling out his revolver and shooting all four. Goetz not only later confessed to the shootings, but in one pre-trial statement claimed that he looked at one of the wounded men and said, "You don't look too bad, here's another," shooting him a second time. Slotnick tried the case on a self-defense theory, presenting evidence impeaching his own client's recollections of the shooting's details, and ultimately obtaining Goetz's acquittal on the primary charges of attempted murder and first-degree assault. The jury convicted Goetz only on a lesser charge of carrying a loaded, unlicensed weapon in a public place, for which he served only eight months.

Many litigators find it difficult to watch films or read books involving fictionalized trials. Novelists and screenwriters almost never get the details quite right, disrupting the willing suspension of disbelief that generally is necessary for entertainment. But *The Defense Lawyer* suffers from no such deficiencies, since the events and trials it describes are real. In addition, Slotnick is humanized with interesting details from his personal life – including the courtship and marriage of his wife, his relationship with his children (one of whom, Stuart, has himself become a

well-known attorney), and the murder in Slotnick's presence of one of his clients (Joe Columbo) by an assassin.

The book opens with an attack on Slotnick by someone with a spiked club, which left him with a fractured wrist and puncture wounds, and suspense builds throughout the opening chapters until the culprit is finally revealed. One of Patterson's fictional gifts is the ability to sprinkle mini-cliffhangers throughout the chapters of his books, and that gift is liberally used here as the book relates the various stages of the Gotti/Carneglia and Goetz trials, with other interesting cases and incidents interspersed between them. Any criminal or civil defense lawyer, and any appellate attorney who reviews trial transcripts or consults with trial lawyers, will find *The Defense Lawyer* a compelling read. ▀



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Appellate Specialist, John has helped numerous clients prevail in high-stakes appeals concerning legal issues of industry-wide importance and from multimillion-dollar judgments.



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