

2013

Keeping Up With New Legal Titles: A Review of Chasing Gideon: The Elusive Quest for Poor People's Justice by Karen Houppert

Clare Gaynor Willis

IIT Chicago-Kent College of Law Library, cwillis@kentlaw.iit.edu

Follow this and additional works at: http://scholarship.kentlaw.iit.edu/lib_schol



Part of the [Scholarly Publishing Commons](#)

Recommended Citation

Clare G. Willis, *Keeping Up With New Legal Titles: A Review of Chasing Gideon: The Elusive Quest for Poor People's Justice* by Karen Houppert, 105 L. Lib. J. 551 (2013).

Available at: http://scholarship.kentlaw.iit.edu/lib_schol/14

This Article is brought to you for free and open access by the Library at Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Librarian Scholarship by an authorized administrator of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

ing what has made him perhaps the most influential and admired law professor in China.

¶48 In addition to He's pieces, *In the Name of Justice* has helpful front matter by John L. Thornton and Cheng Li, both of Brookings, introducing readers to He and explaining the reasons for such a volume. The book ends with thirty pages of notes, a five-page bibliography (in simplified Chinese characters, pinyin romanization, and English translation) of his writings from 1984 to 2010, and a twelve-page index. This reviewer found the book learned but not pedantic, serious, and occasionally humorous. *In the Name of Justice* is a fascinating, inspiring read and highly recommended for law libraries that collect books on China.

Houppert, Karen. *Chasing Gideon: The Elusive Quest for Poor People's Justice*. New York: New Press, 2013. 275p. \$26.95.

*Reviewed by Clare Gaynor Willis**

¶49 March 2013 marked the fiftieth anniversary of *Gideon v. Wainwright*, the U.S. Supreme Court case holding that states must appoint an attorney for criminal defendants facing significant prison terms.¹⁰ Karen Houppert's book, *Chasing Gideon: The Elusive Quest for Poor People's Justice*, argues persuasively that access to an attorney does not mean justice. Although the book's dust jacket refers to "fifty years of trying to make good on the promise of indigent defense in *Gideon v. Wainwright*," Houppert focuses on indigent defense in the past decade, and only in four states. Houppert sacrifices completeness in order to make the story personal, and the resulting book is more powerful for it.

¶50 *Chasing Gideon* is arranged into chapters telling the personal stories of defendants and public defenders in Washington, Florida, Louisiana, and Georgia. Houppert bases these stories almost entirely on her own interviews. The book is an easy read, as the author seamlessly weaves the dry facts and statistics about indigent defense with the more entertaining personal stories. The only problem with this approach is that focusing on only four states may tempt the reader to think that indigent defense is problematic only in certain states, or in the South, despite Houppert's inclusion of a chapter on Washington State.

¶51 Houppert is somewhat coy about who is to blame for the problems with indigent defense. She does not seem to blame the law or lawyers. Even when Houppert does criticize a public defender, she is quick to note that systemic problems like paying attorneys a flat annual fee to defend all of a county's indigent accused are to blame, rather than the attorneys themselves. Without coming out and blaming the general public, it becomes clear that Houppert sees the wretched state of indigent defense as a political problem born of the public's lack of concern for accused criminals and the poor. As a Georgia attorney and activist explains, "[N]obody is going to get elected campaigning with a stump speech about the poor receiving ineffective counsel" (p.192). The personal stories emerge, therefore, as an

* © Clare Gaynor Willis, 2013. Research and Faculty Services Librarian, Chicago-Kent Law Library, IIT Chicago-Kent College of Law, Chicago, Illinois.

10. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

answer to the public's lack of empathy. A judge active in the indigent defense movement says the way to reach the general public is to "make it personal for people, to say, 'let's talk about your own life and your family and community and those you know and love—and invariably you find . . . that they have friends or family who have gone through the justice system'" (p.172). Even if we have no such person in our family, Houppert's personal, empathic, and detailed portrayal of defendants makes us care about these people, and that makes the injustice of their deficient representation real.

¶52 Calling the book *Chasing Gideon* and including a chapter that retells the story of Clarence Gideon invites a comparison to Anthony Lewis's famous 1964 book *Gideon's Trumpet*¹¹ and the made-for-television movie based on it.¹² Houppert's summary of Gideon's story lacks the verve of Lewis's writing and only adds the new theory that a jailhouse lawyer wrote Gideon's petitions for him. This possible revelation contributes very little to her book. *Chasing Gideon* works better as a look at how states actually implemented the Court's requirement to provide a lawyer to indigent defendants. As recounted by Lewis, Abe Fortas, arguing for Gideon, was so optimistic about the states' ability to provide indigent defense that he argued to the Supreme Court that judges could say to the "occasional odd-ball" who wanted an attorney for a traffic case, "Yes, sir, go right down the hall to that door, that's the public defender's office, they'll see you."¹³ Contrast that optimism with Houppert's description of the sixteen months that Clarence Jones sat in a New Orleans jail waiting for the judge to appoint him an attorney, and one gets a better sense of the reality that followed in the years after 1963.

¶53 The book is accessible to both lawyers and laypeople. It will surely appeal to law students and law faculty, particularly those interested in criminal defense. It will appeal to attorneys, too, especially public defenders, although there might be a certain amount of unwelcome preaching to the choir. *Chasing Gideon* is a powerful book in the hands of the right people, and the right people are probably the general public and their elected representatives. Houppert ends the book by describing the state of indigent defense as a place "where the players know what needs to be done . . . but no one can generate the political will necessary to change things" (p.252). I strongly recommend this book to law libraries, but I hope that public libraries acquire it as well.

Howarth, David. *Law as Engineering: Thinking About What Lawyers Do*. Cheltenham, U.K.: Edward Elgar, 2013. 237p. \$105.

*Reviewed by Alissa Black-Dorward**

¶54 David Howarth began *Law as Engineering: Thinking About What Lawyers Do* as an article that attempted to answer the question "Is law one of the humanities?" (p.vi). In the process of answering that question, Howarth came to believe

11. ANTHONY LEWIS, *GIDEON'S TRUMPET* (1964).

12. *GIDEON'S TRUMPET* (Hallmark Hall of Fame 1980).

13. LEWIS, *supra* note 11, at 173–74.

* © Alissa Black-Dorward, 2013. Head of Reference & Empirical Research Specialist, Leo T. Kissam Memorial Library, Fordham Law School, New York, New York.